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Security Council

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Implementation of Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014)

Report of the Secretary-General

I. Introduction

1. This twelfth report is submitted pursuant to paragraph 17 of Security Council resolution 2139 (2014), paragraph 10 of Security Council resolution 2165 (2014) and paragraph 5 of Security Council resolution 2191 (2014), in which the Council requested the Secretary-General to report, every 30 days, on the implementation of the resolutions by all parties to the conflict in the Syrian Arab Republic.

2. The information contained in the report is based on the data available to United Nations actors on the ground and reports from open sources and from the Government of the Syrian Arab Republic. Data from United Nations agencies on their humanitarian deliveries have been reported for the period 1 to 31 January in line with their monthly reporting cycle, to allow for verification of data. More recent data have been included, when available, including on cross-border operations and deliveries to besieged communities.

II. Major developments

A. Political/military

3. Widespread conflict and high levels of violence continued throughout the Syrian Arab Republic during the reporting period, particularly in the governorates of Aleppo, Hama, Homs, Deir ez-Zor, Rif Dimashq, Damascus, Al-Hasakeh, Idlib, Dar'a, Quneitra and Raqqa. Indiscriminate aerial bombings, including the use of barrel bombs, by Government forces and indiscriminate shelling by armed opposition, extremist and listed terrorist groups,[1] resulted in deaths, injuries and displacement of civilians. The use of improvised explosive devices and vehicle-borne improvised explosive devices continued. The conduct of hostilities by all

[1] On 30 May 2013, Islamic State in Iraq and the Levant (ISIL) and the Nusra Front were designated as terrorist groups by the Security Council under resolution 1267 (1999). The two groups operate in the Syrian Arab Republic.

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parties continues to be characterized by widespread disregard for the rules of international humanitarian law and for the protection of civilians.

4. There was a significant escalation of violence and attacks by Government forces in Damascus and Rif Dimashq. Attacks intensified in several towns of eastern Ghouta, particularly Douma, Saqba, Hamouria and Erbin, in addition to Jobar district in Damascus. Government forces conducted aerial bombardments, including with barrel bombs, shelled the area with heavy artillery and launched surface-to-surface missiles. The attacks, including on markets, resulted in hundreds of civilian casualties, including women and children. The armed opposition group, Jaish al-Islam, launched two consecutive attacks against the capital with mortars and rockets, hitting civilian areas and causing dozens of deaths and injuries, including among civilians, and damage to residential homes and public infrastructure. Clashes continued on the outskirts of Damascus between armed opposition groups and Government forces in and around the opposition-controlled Qaboun neighbourhood. Fighting also took place in the Zabadani area of Rif Dimashq, where local sources reported aerial attacks by Government forces, including with barrel bombs, after armed opposition groups took control of key checkpoints.

5. Shelling and aerial bombardment, including with barrel bombs, by pro-government forces and mortar, rocket and gas canister attacks by armed opposition groups continued in Aleppo. According to information received by the Office of the United Nations High Commissioner for Human Rights (OHCHR), at least 92 civilians, including 7 women and 26 children, were killed and dozens injured in opposition-controlled areas of Aleppo in January. For example, some 14 civilians were killed following airstrikes carried out by Syrian forces on the Al-Bab area of Aleppo governorate on 29 January. Local sources informed OHCHR that at least 51 civilians, including women and children, were killed in attacks by armed opposition groups against Government-controlled areas in Aleppo governorate, with the Islamic State in Iraq and the Levant (ISIL) being responsible for most of those civilian deaths.

6. Government forces carried out shelling and aerial bombardment, including with barrel bombs, on opposition-controlled areas in other governorates. For example, at least 91 civilians, including 18 children and 8 women, were killed in Dar'a while some 60 civilians, including women and children, were killed in Homs. In Deir ez-Zor, Government forces carried out aerial bombardments of areas held by ISIL and engaged in ground clashes in civilian areas. Some 71 civilians, including 10 women and 6 children, were reportedly killed in the violence. Four mass graves were found in Deir ez-Zor in December, containing the bodies of some of the hundreds of people abducted by ISIL in August 2014.

7. In Al-Hasakeh governorate, fighting between the Kurdish People's Protection Units (Yekîneyên Parastina Gel) (YPG) and National Defence Forces erupted in Al-Hasakeh city on 17 January, killing and injuring civilians and closing markets and universities. Government forces carried out shelling and aerial bombardment against areas under ISIL and YPG control. On 20 January, at least 52 civilians were killed and nearly 200 others injured as a result of a Government air strike on a market in the village of Al-Khansaa, on the outskirts of the town of Tal Hamis, south-east of Qamishli.

8. During the reporting period, 14 attacks with improvised explosive devices and vehicle-borne improvised explosive devices were reported, mainly in Homs,

Damascus, Aleppo, Hama, Al-Hasakeh and Dar'a governorates. For example, in the Akrama district of Homs governorate, an explosion caused by vehicle-borne improvised explosive devices, on 21 January, killed seven people and injured another 30. Elsewhere, on 1 February, in Damascus, near Al-Hamidya district, an attack with improvised explosive devices targeted a bus carrying Lebanese Shiite pilgrims, killing seven and injuring 22, with the Nusra Front claiming responsibility.

9. Parties to the conflict continued to attack civilian infrastructure and cut basic services, including electricity and water. For example, on 18 January, the Nusra Front and affiliated armed opposition groups cut the water supply to Idlib city. On 23 January, armed opposition groups in Kafr Najd targeted the electricity cables supplying Idlib city. Some 600,000 people were affected by the cuts. Electricity was restored on 6 February.

10. Since the end of December, an influx of some 9,000 people has been reported from several towns in the Ghouta area to collective shelters in Rif Dimashq. United Nations agencies and partners are providing relief assistance to evacuees in collective shelters. Following an assessment mission, the Office of the United Nations High Commissioner for Refugees (UNHCR) highlighted the protection issues reported by the evacuees, which included the recruitment of males by non-state armed groups in the area; the forced recruitment of minors; the separation of families owing to reported screening of evacuated males; an unsafe evacuation route owing to the presence of snipers; and the loss of personal documentation and identity documents, as well as the confiscation of identity documents by non-state armed groups at checkpoints.

11. Violence continued to displace civilians. For example, fighting in Al-Hasakeh displaced some 15,000 people temporarily from Al-Hasakeh city to Qamishli city, as well as to rural areas outside of the cities. Some 26,000 people were estimated to be displaced in Dar'a governorate following the intensification in violence from 8 February. Approximately 1,250 people moved from the eastern to the western part of Aleppo city and around 10,000 internally displaced persons moved again within the western part of Aleppo city. In the first week of January, heavy fighting between ISIL and Government forces near Deir ez-Zor airport displaced about 5,000 people, mostly women and children, from western rural Deir ez-Zor villages, including Ayash, Hawaij Thyab Jazeera and Al-Kharita.

12. During the reporting period, the international coalition conducted almost daily air strikes against the Islamic State of Iraq and the Levant (ISIL). The majority are in and around the town of Ayn al-Arab/Kobani in northern Aleppo governorate. On 26 January, the Kurdish People's Protection Units, which had been assisted by armed opposition fighters and Iraqi Kurdish Peshmerga, declared that the town had been fully recaptured. Some 1,500 to 2,000 people have reportedly returned to the city.

13. Following circulation by ISIL of a video of the group burning to death Jordanian pilot Mo'az al-Kassasbeh on 3 February, dozens of Jordanian fighter jets reportedly struck ISIL training centres and weapons storage sites, on 5 and 6 February.

14. In his briefing to the Security Council on 17 February, the Special Envoy of the Secretary-General for Syria indicated that, following prolonged negotiations held in the preceding months on the freeze proposal, and his request that the

Government of the Syrian Arab Republic assist the United Nations in implementing a pilot project in a specific district in Aleppo, the Government was willing to suspend for six weeks all aerial attacks and artillery shelling throughout the city of Aleppo. On the basis of that development, the Special Envoy will travel to Damascus and separately send a delegation to Aleppo, no later than the last week of February, to assess the conditions for a freeze and the space for accelerated and unhindered delivery of aid in the contested district of Salah ad-Din, following which he expects to be able to announce when the beginning of the six weeks will come into effect. The assessment by the Office of the Special Envoy would have to account for accelerated developments on the ground in the light of reports on 17 February of an accelerated offensive by Government forces in the northern part of Aleppo near a major supply road. The Special Envoy will further actively engage the opposition to elicit their support for United Nations efforts in order to minimize the cost to civilians and for them, too, to do their part in avoiding any use of heavy weapons.

15. Efforts continued during the reporting period to find a sustainable political solution to the Syrian conflict. Meetings were held between opposition groups in Cairo, on 23 and 24 January, and between select members of the opposition and the Government, in Moscow, from 26 to 29 January. Outcome documents from both meetings called for the achievement of a political solution to the conflict based on the Geneva communiqué, as well as maintaining Syrian unity and territorial integrity and combating terrorism.

B. Human rights

16. The Office of the United Nations High Commissioner for Human Rights continued to receive allegations and to document cases of arbitrary arrests, detention, torture and death in custody inside Government detention centres. These cases included a report that a detainee previously held at Aleppo central prison and subsequently transferred to a security branch died in detention, reportedly under torture. Allegations were also received of death in custody as a result of torture in Sidnaya military prison and Teshrin military hospital prison. Specifically, on 27 January, an orthopaedic doctor from Douma, eastern Ghouta, who had been in detention for over two years, reportedly died in Sidnaya prison, in Rif Dimashq. The doctor was detained by the Air Force Intelligence security branch in August 2012 on the grounds that he treated patients in a field hospital in Douma. Local human rights defenders informed OHCHR that the doctor may have died as a result of torture. OHCHR has not verified the allegations but it has documented other cases of torture, ill-treatment and inhumane conditions in Sidnaya prison.

17. Military security and air intelligence continued to carry out arbitrary detentions of individuals suspected of collaborating with the opposition. In January, at least 18 civilians, including media personnel, doctors and human rights defenders were detained by security branches in Dar'a. In the city of Homs and the district of Al-Houla at least 11 civilians were detained by Military Security and National Defence Forces on 20 January, following an operation by Government security forces.

18. Government forces detained two local journalists, on 9 and 13 January, at their residence in the city of Hama and took them to undisclosed locations. The two journalists remain missing.

19. Armed opposition groups, particularly ISIL and the Nusra Front, continued to perpetrate violations of international humanitarian law as well as human rights abuses in areas where they exercise control. They carried out attacks against civilians, executions, abductions and imposed restrictions on the fundamental freedoms of civilians. ISIL reportedly executed some two dozen people on the grounds of apostasy, spying for the Government, or fighting for the Government or the Nusra Front, and also executed one person for posting a photograph of an ISIL militant on social media. Videos were posted on the Internet of the Nusra Front executing two women for alleged adultery.

20. Local sources report that the Nusra Front is increasingly kidnapping and detaining human rights defenders and journalists who are critical of the group. For example, two journalists were abducted by the Nusra Front from Idlib on 7 January and released on 31 January. Another local media activist, held since December 2014, was reportedly executed by the Nusra Front on 26 January in Aleppo. According to information collected by OHCHR, during the reporting period at least four media centres in Idlib were raided by the Nusra Front.

21. On 8 January, the shrine of Sunni Imam al-Nawawi in the city of Nawa, Dar'a, was destroyed. Local human rights defenders accused the Nusra Front of planting the explosives and informed OHCHR that Nusra Front commanders had in the past expressed disdain for Imam al-Nawawi and his shrine. OHCHR is not in a position to verify the allegations.

22. On 2 February, the Syrian authorities issued a note verbale indicating that 384 people were "pardoned" after signing written pledges not to carry weapons or participate in "disturbances" or activities affecting the "security and stability" of the Syrian Arab Republic. OHCHR is not aware of the fate of those "pardoned" and is not in a position to verify the information received.

C. Humanitarian access

23. Some 12.2 million people require humanitarian assistance in the Syrian Arab Republic. Around 7.6 million people are internally displaced and more than 3.8 million Syrians have fled to neighbouring countries and North Africa.

24. The delivery of humanitarian assistance in the country remains extremely difficult as a result of violence and insecurity, shifting conflict lines, deliberate interference with and closing of operations, obstructive administrative procedures and financial shortfalls. The situation in hard-to-reach areas, especially those besieged by Government or armed opposition forces, continued to be of grave concern. In addition, a winter storm compounded the humanitarian plight of people and hampered access in parts of the country as many roads became inaccessible for several days.

25. Three separate requests for inter-agency convoys were submitted during the reporting period to reach four locations in Rif Dimashq governorate and two in Homs governorate. One inter-agency cross line convoy was able to proceed to Al-Wa'er, Homs, with multisectoral assistance for 75,000 people. Despite the support of local authorities, the majority of medical supplies, including all surgical items, as well as diarrhoea kits, midwifery kits and reproductive health kits, were removed by Government security personnel during the loading process.

26. The Government did not respond to the request to reach four locations in Rif Dimashq (Zabadani, Madaya, Douma and east Harasta) to cover the urgent needs of 20,000 people. One inter-agency convoy for providing assistance to 60,000 people in Talbiseh and Msrifah, in Homs, requested in December and scheduled for 3 February, was verbally approved by the Governor. However written approval and facilitation letters were not provided.

27. As of 9 February, the United Nations and its partners have sent 66 shipments, 47 from Turkey and 19 from Jordan, to the Syrian Arab Republic under the terms of Security Council resolutions 2165 (2014) and 2191 (2014). The shipments included food assistance for over 812,000 people; non-food items for around 860,000 people; water and sanitation supplies for over 316,000 people; and medical supplies for 468,000 people. Many of the medical supplies shipped were reusable and will benefit more patients in the next few months. Other assistance (including school supplies) was delivered to some 9,900 people. In line with resolutions 2165 (2014) and 2191 (2014), the United Nations notified the Government of the Syrian Arab Republic in advance of each shipment, including details of content, destination district and number of beneficiaries, confirming the humanitarian nature of the shipment.

28. The United Nations monitoring mechanism continued its activities in Turkey and Jordan. A security incident near the border resulted in the closure of Bab al-Hawa crossing from 26 to 31 January. The mechanism's operations in Iraq remain pending owing to continued insecurity. The mechanism continued to benefit from excellent cooperation and support from the Governments of Turkey and Jordan.

29. United Nations agencies continued to use the Nusaybin/Qamishli crossing, with the consent of the Governments of Turkey and the Syrian Arab Republic. The World Food Programme (WFP) shipped all of its planned 46,000 food rations through the Nusaybin border point. However, delays in the receipt of facilitation letters from the Government of the Syrian Arab Republic delayed distribution between 14 and 27 January. Food dispatches commenced on 28 January upon receipt of the facilitation letters.

30. Parties to the conflict continued to block supplies to territory outside their control. For example, reports were received that ISIL blocked the delivery of fuel to areas controlled by the Government and by YPG/Democratic Union Party (PYD) in Al-Hasakeh governorate after Government forces prevented flour and food from reaching ISIL-controlled areas in southern Al-Hasakeh. Separately, local authorities in Idlib restricted the delivery of assistance to opposition-held areas after water and electricity were cut to Idlib city by non-state armed groups. Exceptional approval was, however, given to the United Nations Children's Fund (UNICEF) to deliver water supplies to people left without access to water.

31. Ongoing insecurity and access restrictions prevented food deliveries to the north-eastern governorates of Raqqa and Deir ez-Zor. As a result, once again, none of the planned food rations, consisting of provisions for 600,000 civilians in those governorates, could be delivered in February. While some humanitarian operations have been maintained, ISIL continued to restrict humanitarian access in areas it controlled, closing down a number of humanitarian offices in Raqqa and Deir ez-Zor governorates and telling others to suspend their operations. For example, in Raqqa, ISIL informed WFP partners in January, including the Syrian Arab Red Crescent, to suspend humanitarian activities in the governorate. This, combined with mounting

insecurity, has resulted in a complete halt in WFP food deliveries to areas under ISIL control. Due to an escalation in the conflict, the Food and Agriculture Organization of the United Nations (FAO) had to suspend its operations in the Raqqa and Deir ez-Zor governorates. FAO has been closely monitoring the situation in Deir ez-Zor and has since been able to partly resume operations. Photographs released on social media in early February appeared to show WFP food boxes, bearing ISIL labels, being distributed in Deir Hafr, eastern Aleppo governorate. WFP is trying to verify the authenticity of the photographs, where they were taken and the circumstances surrounding the incident. WFP last reached the area in August 2014. WFP condemned the "manipulation of desperately needed food aid inside Syria" and called on all parties to the conflict to respect humanitarian principles.

32. Despite the extremely challenging operating environment, United Nations humanitarian agencies and partners continued to reach millions of people in need in the month of January. WFP dispatched food for over 3.4 million people across 12 governorates. The World Health Organization (WHO) distributed medicines and supplies for 344,161 treatments in three governorates. UNICEF reached 608,526 people with a range of support, including water and sanitation, nutrition, winter clothes for children, education and child protection services. In addition, chlorine deliveries allowed some 15.6 million people to access safe water (with the exception of people in Raqqa and Deir ez-Zor). UNHCR reached 342,371 people with core relief items, in addition to protection services. The International Organization for Migration (IOM) reached 205,657 people with multisectoral assistance. Some 137,958 people received agricultural support from FAO. Interventions by the United Nations Population Fund supported 34,200 people.

33. Non-governmental organizations continued to deliver urgent food, health, sanitation and other assistance in the Syrian Arab Republic, reaching some 1.2 million people in January, including through the provision of ongoing services. This included aid to over 565,000 people in Aleppo, 221,000 people in Idlib, nearly 145,000 people in Dar'a, and nearly 87,000 people in Deir ez-Zor governorates. Non-governmental organizations continued to experience challenges as regards passing checkpoints and providing assistance to people in need in Raqqa.

Besieged areas

34. Of the 4.8 million people in hard-to-reach areas, some 212,000 people remain besieged in the Syrian Arab Republic, with 185,500 people besieged by Government forces in eastern Ghouta, Darayya and Yarmouk, and 26,500 people besieged by non-state armed groups in Nubul and Zahraa.

35. In January, two besieged communities in Douma and Yarmouk were reached, with food distributed to 304 people (0.1 per cent of the 212,000 people in besieged areas), non-food items distributed to 200 people (0.1 per cent), and medical assistance distributed to 1,000 people (0.5 per cent), as well as polio vaccines.

36. In eastern Ghouta (specifically in Douma, Harasta, Erbin, Zamalka, Saqba, Kafr Batna, Ain Tarma and Hammura), some 163,500 people remain besieged. Approximately 9,000 people have left several locations in eastern Ghouta, some of whom are from besieged locations. As noted in the previous report (S/2015/48), on 1 January, the Syrian Arab Red Crescent delivered 30,000 polio vaccinations and insulin for 1,000 patients to Douma. Other medication, including injectable medicines and surgical supplies for 17,950 treatments, were denied.

37. In Darayya (Rif Dimashq), about 4,000 people remain besieged. No assistance reached Darayya during the reporting period. People in the area were last assisted in October 2012.

38. In Yarmouk, about 18,000 people remain besieged. There was an escalation in armed conflict, including frequent exchanges of fire and the use of heavy weapons during the reporting period, which disrupted the distribution of assistance. Insecurity at the distribution point limited access by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to two days in the month of January. Some 200 people received non-food items and 304 people received food assistance. No medical assistance was delivered in January. UNRWA was able to transport 67 students to sit school exams.

39. In Nubul and Zahraa, about 26,500 people are besieged by opposition forces. No humanitarian assistance has reached the two villages since 8 May 2014.

Free passage of medical supplies, personnel and equipment

40. During the reporting period, WHO and its implementing partners dispatched medicines and medical supplies for 344,161 people in three governorates. This included deliveries across conflict lines to Aleppo and Rif Dimashq for some 232,661 people.

41. A subnational polio campaign was carried out between 4 and 8 January, with the aim of vaccinating 308,191 children under the age of 5. Some 178,097 children under the age of 5 were vaccinated against polio, measles, rubella, pertussis and hepatitis, including 15,997 children who were vaccinated for the first time. Insecurity and displacement resulted in fewer children being reached in the districts of Deir ez-Zor and Rif Dimashq that were targeted as part of the campaign, while Quneitra was not covered, owing to active conflict.

42. Access to medical supplies and equipment continued to be restricted by insecurity and constraints imposed on humanitarian operations by parties to the conflict. For example, despite Ministry of Foreign Affairs approval for the delivery of medical supplies for 96,408 people, a shipment of medical assistance from WHO to Douma and Madaya in Rif Dimashq remains pending, subject to further discussion with the Government. The delivery of injectable medicines and surgical supplies was denied. A separate request to deliver assistance across conflict lines to Qamishli has also gone unanswered.

43. The Ministry of Foreign Affairs has approved a shipment of medical assistance to curb the Myiasis outbreak in Douma. The shipment is scheduled for February 2015.

44. Attacks on medical facilities, ambulances and medical personnel continued during the reporting period. In January, Physicians for Human Rights documented four attacks on medical facilities. Three were by Government forces and one by unknown forces. Two attacks occurred in Rif Dimashq and one each in Dar'a and Deir ez-Zor governorates. Three attacks were with missiles and one with an explosive device (by unknown forces). Physicians for Human Rights also documented the deaths of five medical personnel in January, one of them a targeted killing. Four of the personnel were killed by Government forces and one by unknown forces. Two were killed by shooting, two by shelling and bombing and one by torture. Three deaths occurred in Dar'a, one in Rif Dimashq and one in Homs.

Administrative procedures

45. There were no changes to administrative procedures at the central level during the reporting period. The movement of supplies for humanitarian assistance to hard-to-reach areas continued to be negotiated on a case-by-case basis centrally, including through meetings of the joint committee established following the adoption of Security Council resolution 2139 (2014). The committee includes the Ministry of Foreign Affairs, the Ministry of Social Affairs, security personnel, the Syrian Arab Red Crescent and the United Nations. Despite a verbal communication from the Ministry of Foreign Affairs on 7 September 2014 that governors in Aleppo, Hama, Homs and Idlib could authorize inter-agency cross-line convoys, requests continue to require approval at the central level. This has continued to lead to significant delays in the approval of some convoys.

46. In January, humanitarian organizations in Al-Hasakeh governorate were instructed to share a list of beneficiaries with the local authorities as a precondition for the issuance of a facilitation letter by the Governor. This request is extremely worrying and agencies are following up with relevant authorities.

47. As of 31 January, 38 requests from the United Nations for visas or visa renewals remained pending, 33 of which were within the 15-working-day limit and five of which were exceeding the 15-working-day limit. There are 15 pending visas for international non-governmental organizations.

48. During the reporting period, one additional national non-governmental organization was authorized by the Government of the Syrian Arab Republic to partner with agencies of the United Nations system. One national non-governmental organization, which has a number of partnerships with United Nations agencies, had its authorization revoked, without explanation. As of 31 January, there are 110 national non-governmental organizations working with United Nations agencies through 166 branches, throughout the Syrian Arab Republic.

Safety and security of staff and premises

49. Mortar and rocket attacks on Damascus by armed opposition groups led to heightened insecurity in Damascus, including for United Nations staff. Rocket and mortar strikes were reported in areas close to the hotels where United Nations staff reside and one staff member of IOM was injured on 25 January in an attack near Abassayin Square in Damascus.

50. On 4 February, one staff member of the Syrian Arab Red Crescent was killed and two were injured in shelling by armed opposition groups in Idlib.

51. On 5 February, one staff member of the Syrian Arab Red Crescent was killed by a mortar attack in Douma.

52. On 5 February, a mortar struck a hotel in Damascus where United Nations staff reside. No injuries were reported.

53. On 10 February, the death of an aid worker held by ISIL in the Syrian Arab Republic was confirmed.

54. A total of 32 United Nations staff members, 28 of whom are UNRWA staff, continue to be detained or are missing. The total number of humanitarian workers killed in the conflict since March 2011 is 72. This includes 17 staff members of the

United Nations, 42 staff members and volunteers of the Syrian Arab Red Crescent, seven staff members and volunteers of the Palestinian Red Crescent Society and six staff members of international non-governmental organizations.

III. Observations

55. After nearly four years of fighting and one year on from the adoption of Security Council resolution 2139 (2014), the situation for people in the Syrian Arab Republic continues to deteriorate. The parties to the conflict are failing to live up to their international legal obligations to protect civilians. Explosive weapons continue to be used in populated areas throughout the country, killing and injuring men, women and children and causing widespread damage. Hospitals and other protected facilities and infrastructure continue to be attacked. Some 212,000 people remain besieged.

56. The conflict has become business as usual. We need a commitment from the parties to the conflict to implement resolutions 2139 (2014) and 2165 (2014). As a matter of urgency, progress must be achieved in five areas: (a) lifting the siege on 212,000 people; (b) ensuring access for the delivery of medical and surgical supplies to all parts of the country; (c) ending the practice of using the denial of key services as a weapon of war; (d) rebuilding the education system in the Syrian Arab Republic; and (e) addressing the relentless and indiscriminate attacks on civilians, including through the use of barrel bombs. We will continue to engage members of the Security Council and countries with influence over the parties to find solutions in the above-mentioned areas. The members of the humanitarian community need help from all in order to continue to carry out their work in the Syrian Arab Republic.

57. Humanitarian actors must be allowed to do their job without interference and the parties must allow and facilitate rapid and unimpeded humanitarian access to affected people throughout the country. Every month, the United Nations and international and national non-governmental organizations deliver aid to millions of people in need. With further and sustained pressure from members of the Security Council and other Member States, the United Nations and its partners would be able to reach millions more. The humanitarian community must also be adequately resourced. I hope that representatives from key countries around the world will join me in Kuwait on 31 March to raise funds for the humanitarian response in the Syrian Arab Republic and the region.

58. There is no humanitarian or military solution to this conflict. It can only be solved through dialogue and an agreed political process. The recent meetings in Cairo and Moscow emphasized the need to find a political solution to the Syrian conflict based on the Geneva Communiqué. I welcome this re-engagement by international actors in search of a political solution, as well as the proposed follow-up to those meetings, and hope that they can serve as the start of a meaningful political process. In this spirit, my Special Envoy for Syria will continue to assess ways to renew diplomatic efforts towards a process based on the international consensus enshrined in the Geneva Communiqué. Defining a political solution will involve tough decisions and compromise, with everyone putting aside their preconditions for launching talks.

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Letter dated 20 February 2015 from the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014) addressed to the President of the Security Council

On behalf of the members of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014), I have the honour to transmit herewith, in accordance with paragraph 21 (c) of the resolution, the final report on its work.

The report was submitted to the Security Council Committee established pursuant to resolution 2140 (2014) on 15 January 2015 and was considered by the Committee on 2 February.

I would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Alma Abdul-Hadi **Jadallah**
Coordinator
Panel of Experts on Yemen established pursuant to
Security Council resolution 2140 (2014)

(*Signed*) Carmela **Bühler**
Expert

(*Signed*) Simon David **Goddard**
Expert

(*Signed*) Mohammad **Sbaiti**
Expert

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Summary

Since its appointment on 5 May 2014, the Panel of Experts on Yemen has established working relationships and protocols with a broad range of stakeholders, and has undertaken a number of visits to Yemen, the member countries of the Cooperation Council for the Arab States of the Gulf (GCC) and a select number of additional Member States. As a result of its investigative work, the Panel presented the Security Council Committee established pursuant to resolution 2140 (2014) with four statements of case on individuals who, in the Panel's assessment, met the criteria for designation as subject to the targeted sanctions, for the Committee's consideration.

Since the designations of three individuals by the Committee on 7 November 2014, Abd Al-Khaliq Al-Huthi (YEi.001), Abdullah Yahya Al Hakim (YEi.002) and Ali Abdullah Saleh (YEi.003), the Panel has been conducting investigations on the whereabouts of any assets of these individuals that may be subject to the asset freeze. To date, no Member State has responded positively to the Panel's asset enquiries. The Panel continues to monitor the ability of Member States to implement the two measures (asset freeze and travel ban) imposed by the Security Council on the individuals subject to the sanctions measures.

The work of the Panel took place in the context of two critical events that influenced the political landscape in Yemen: the armed takeover of Amran in the north of the country and of the capital city Sana'a by the Houthis, on 8 July and 21 September 2014, respectively. It has resulted in the Houthis and their allies exerting their control over vital Government institutions.

President Hadi and the Government of Yemen continue to be challenged by a number of domestic and regional actors, and this intervention in Yemen's internal affairs is having a detrimental effect on implementing the Agreement on the implementation mechanism for the transition process in Yemen in accordance with the initiative of the GCC and National Dialogue Conference outcomes. This situation is further complicated by the 50 per cent reported increase in 2014 over the previous year of the number of incidents involving Al-Qaida in the Arabian Peninsula.

It is the assessment of the Panel that it is a demonstration of the fragility of President Hadi and the Government of Yemen, led by Prime Minister Bahah, that a number of concessions had to be made in favour of the majority General People's Congress Party in order to obtain a vote of confidence from Parliament. These included the promise not to impose any United Nations sanctions measures against former President Ali Abdullah Saleh or either of the two other designated individuals.

The Security Council and Member States should consider additional measures to support the political transition in Yemen, as well as enforcing the implementation of existing sanctions under resolution 2140 (2014). Furthermore, all Member States should ensure that they have the ability to implement the full range of measures that are applicable under all United Nations sanctions regimes.

Final report of the Panel of Experts on Yemen established pursuant to Security Council Committee resolution 2140 (2014)

Contents

		Page
I.	Background	5
	A. Mandate and appointment	5
	B. Methodology	6
	C. Programme of work	7
	D. Cooperation with stakeholders and organizations	9
	E. Challenges encountered by the Panel during the first year of the mandate	10
II.	Context	11
	A. Political developments	12
	B. Security developments	13
	C. Regional developments	14
	D. Applicable international humanitarian and human rights law	15
	E. Financial legislative and regulatory environment	16
III.	Individuals or entities engaged in or providing support for acts that threaten the peace, security or stability of Yemen	18
	A. Former President Saleh and his allies	19
	B. Houthis	21
	C. Al-Qaida in the Arabian Peninsula	24
	D. Armed tribes	26
IV.	Acts that threaten the peace, security or stability of Yemen	26
	A. Case: Hamdan	27
	B. Case: Amran	28
	C. Case: Sana'a	32
	D. Case: Al Hudaydah, Al Bayda and Ibb	35
	E. Acts of infrastructure sabotage	35
	F. Arms	36
	G. Child soldiers	38
	H. Gender-specific violence	39
	I. The land issue in the south of Yemen	40
	J. Other human rights violations used as a means to obstruct the transition process	41

K. Case: Illegal detentions in connection with the "presidential palace mosque incident" . . 43
V. Implementation and monitoring of targeted financial and travel-related sanctions 43
A. Targeted financial sanctions 43
B. Travel ban 48
VI. Recommendations 48
Annexes*
I. Guidelines of Work of the Panel of Experts on Yemen dated 30 June 2014 51
II. Summary of communications sent by the Panel of Experts under the current mandate 52
III. Map of military activities in Amran, Sana'a and southern and western governorates 54

* The annexes are being issued in the language of submission only.

I. Background

1. Yemen's ability to implement the political transition following the comprehensive initiative and implementation mechanism of the Cooperation Council for the Arab States of the Gulf (GCC), and the National Dialogue Conference (NDC) outcomes has been slow and faced many challenges. Actions taken by major constituencies, such as former President Ali Abdullah Saleh and his allies, the Houthi, the Peaceful Southern Movement (Al-Hirk al-salmiyy al-janubi) and Al-Qaida in the Arabian Peninsula (AQAP), continue to obstruct progress of the NDC outcomes and pose a serious threat to the peace, security and stability of Yemen. These recent developments required immediate action by the international community and resulted in the issuance of presidential statements S/PRST/2013/3 and S/PRST/2014/18 and Security Council resolution 2051 (2012), adopted on 12 June 2012, urging all parties, especially former Vice-President Ali Salim al-Beidh, the Houthis led by Abdul Malik al-Houthi and those who support them, and former President Ali Abdullah Saleh, to stop the obstruction of the political transition.

2. The Panel of Experts on Yemen was established by the Security Council in its resolution 2140 (2140) of 26 February 2014 to assist the Security Council Committee established by the same resolution in carrying out its mandate. The Committee is responsible for overseeing the sanctions measures imposed in resolution 2140 (2014). These measures comprise an asset freeze pursuant to paragraph 11 of resolution 2140 (2014) and a travel ban, as set out in paragraph 15 of resolution 2140 (2014), and apply to individuals and entities designated as engaging in or providing support for acts that threaten the peace, security or stability of Yemen.

3. The Panel of Experts will complete its mandate on 26 March 2015. The Committee designated the following three individuals for targeted sanctions on 7 November 2014:

(i) Abd Al-Khaliq Al-Huthi[1] YEi.001;

(ii) Abdullah Yahya Al Hakim YEi.002;

(iii) Ali Abdullah Saleh YEi.003.

The Panel continues to monitor the ability of Member States to implement the two measures (asset freeze and travel ban) imposed by the Security Council on the individuals subject to the sanctions.

A. Mandate and appointment

4. The Security Council outlined the Panel's tasks in paragraph 21 of resolution 2140 (2014), as follows:

(a) Assist the Committee in carrying out its mandate as specified in resolution 2140 (2014), including through providing the Committee at any time with information relevant to the potential designation at a later stage of individuals and

[1] Spelled as listed in the statement of case submitted by a Member State.

entities who may be engaging in the activities described in paragraphs 17 and 18 of the resolution;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in resolution 2140 (2014), in particular incidents of undermining the political transition;

(c) Provide to the Council, after discussion with the Committee, an update no later than 25 June 2014, an interim report by 25 September 2014 and a final report no later than 25 February 2015;

(d) Assist the Committee in refining and updating information on the list of individuals subject to measures imposed pursuant to paragraphs 11 and 15 of the resolution, including through the provision of identifying information and additional information for the publicly available summary of reasons for listing.

5. On 16 April 2014, the Secretary-General appointed four Panel members. Following the withdrawal of one Panel member on 2 May, another expert was appointed on 2 July. The Panel members possess expertise in areas commensurate with the scope of the sanctions regime: armed groups, finance, international humanitarian law and regional expertise.

B. Methodology

6. At the outset of its mandate, the Panel agreed on its Guidelines of Work (see annex I) and confirmed its commitment to follow the best practices and standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its 2006 report (S/2006/997).

7. The Panel is guided by the principles of transparency, impartiality and independence. Its standards require the use of verified genuine documents, concrete evidence and onsite observations by the experts, including taking photographs, wherever possible. When a visit on site was not feasible, the Panel attempted to corroborate information using multiple and independent sources to meet the highest achievable standards of evidence. The Panel also placed a higher value on statements by principal actors and first-hand witnesses to events. In situations whereby identifying sources would expose its members or others to unacceptable risks, the Panel withheld identifying information while aiming to be as transparent as possible.

8. Throughout the mandate, the Panel remained committed to reaching out to the broadest range of interlocutors to ensure a diversity of views representative of all segments of Yemeni society.

9. The Panel is equally committed to the highest degree of fairness and endeavoured to make available to parties, where appropriate and possible, any information in a report for which those parties may be cited for their review, comment and response within a specified deadline.

10. The working processes of the Panel have been primarily based on the following steps:

(i) Obtaining information from the Governments of Yemen and the region, as well as other relevant actors within Yemen and the region, about individuals and entities that are believed to be responsible for committing acts that threaten the peace, security or stability of Yemen;

(ii) Examining and corroborating information provided to assess whether it constitutes strong evidence in order to determine whether any individuals or entities were responsible for specific acts, and whether or not that information is of sufficient evidentiary standard to allow a recommendation for designation to the Committee under paragraph 19 (c) of resolution 2140 (2014);

(iii) Where that information does not meet the required evidentiary standards, seeking further corroboration in Yemen and elsewhere in the region, and within other relevant Member States, as necessary, in order to reach an evidentiary standard suitable for submission to the Committee;

(iv) Collaborating closely with other international organizations, United Nations bodies and relevant United Nations monitoring panels to exchange information, in order to identify any evidence supporting the designation by the Committee of specific individuals and entities in accordance with paragraph 19 (c) of resolution 2140 (2014);

(v) Once an individual or entity is designated, the Panel aims to conduct financial investigation to identify and help ensure the implementation of the freeze without delay, of all funds, other financial assets and economic resources wherever they may be found, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them. In addition the Panel will monitor the implementation of the travel ban where necessary.

11. The Panel safeguards the independence of its work against any effort to undermine its impartiality or create a perception of bias. The Panel approved the text, conclusions and recommendations in the present report on the basis of consensus prior to its transmission to the sanctions committee.

C. Programme of work

12. During the mandate, the Panel sent out 67 formal communications to 26 Member States, including Yemen (see annex II).

13. Since its appointment on 5 May 2014, the Panel has undertaken a number of visits to Member States. Within the region, the Panel travelled to Yemen, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. The Panel also visited Germany, Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

14. The Panel has travelled on three separate occasions to Yemen. From 9 to 13 June 2014, the Panel travelled to Sana'a in order to hold a series of meetings with Yemeni authorities, non-governmental entities and others. The Panel undertook a similar visit between 3 and 12 August 2014. The Panel also travelled to Aden from 26 to 29 October 2014 to meet with representatives of the Yemeni authorities in the south, non-governmental entities and others.

15. The primary objective of these visits was to:

(a) Establish and maintain direct communication with the Government of Yemen and other stakeholders;

(b) Explain the mandate of the Panel under resolution 2140 (2014) and its working methods;

(c) Conduct investigations in accordance with the mandate of the Panel.

16. Additional visits included meetings with a broader range of Government officials and interlocutors. The Panel travelled to Washington, D.C., on 9 May 2014 and met with a number of officials from the Department of State and other interested parties. The Panel also travelled to London on 16 and 17 June 2014 and met with a number of Government agencies working on Yemen, academics, non-governmental organizations (NGOs) and journalists. A member of the Panel also met with various international organizations in Geneva.

17. Members of the Panel travelled to New York on six occasions: 5 May 2014, to present its preliminary programme of work; 20 June 2014, to present updates on the work and activities of the Panel; 24 June 2014, to participate in a joint meeting of three Security Council Committees with responsibilities relating to Yemen and counter-terrorism; 30 July 2014, to hear a briefing by the Special Adviser to the Secretary-General; 10 September 2014, to present its interim report; 4 November 2014, to orally present four statements of case submitted earlier by the Panel; and 26 November 2014, to present to the Committee, Yemen and member countries of GCC the Panel assessment of these countries' ability to implement the two sanctions measures (asset freeze and travel ban) imposed by the Security Council on the individuals subject to the sanctions measure.

18. The Panel also travelled to Germany to meet with Ali Salim al-Beidh, an influential political figure in the south, who was mentioned in a 2013 Security Council presidential statement (S/PRST/2013/3), to discuss spoiler activities in the south.

19. Throughout its mandate, the Panel also met with a number of additional influential Yemeni interlocutors residing in Saudi Arabia, Turkey, the United Kingdom and the United States. The Panel also met with several international organizations.

20. During its second visit to Yemen, the Panel reached out to Abdul Malik al-Houthi through an intermediary and requested a meeting with him in Sa'ada. Abdul Malik al-Houthi declined to meet in person, citing security concerns and alleging that there was a continuous presence of unmanned aerial surveillance vehicles over Sa'ada. Although the Panel was assured that it would be able to meet with his representatives in Sana'a, the meeting did not materialize due to unknown reasons.

21. In November 2014, the Panel was made aware of the presence of a Houthi representative as part of a Yemeni delegation visiting Washington, D.C.. The Panel requested and organized a meeting, but it was later cancelled with the explanation that the Houthi leadership did not grant its approval.

22. Throughout its meetings in Yemen, the Panel engaged with a wide range of interlocutors about its mandate, inquired about their assessments of the current situation in Yemen and requested that they share any evidence that supported the

work of the Panel. The Panel was surprised to find that some non-governmental groups were formed to support and track the work of the Panel and occasionally provided the Panel with information related to its mandate. Generally, interlocutors, particularly civil society representatives, were receptive to the mandate of the Panel.

23. The Panel is grateful to all Member States and United Nations bodies that facilitated these meetings in due time and looks forward to receiving continued cooperation in future fact-finding missions.

24. For the remaining duration of its mandate, the Panel intends to respond to any inquiries from Member States regarding its final report; follow-up on major incidents that threaten the peace, security or stability of Yemen to identify the perpetrators; and continue its ongoing investigations related to the mandate. In addition, the Panel will continue its efforts to obtain bio-identifiers for the designated persons for provision to the Committee; identify any assets of the designated persons that should be subject to the asset freeze measures; and monitor the implementation of the asset freeze and travel ban imposed on the designated persons. Lastly, the Panel will use this final part of its mandate to archive material with a view to preserving the institutional memory that reflects the work of the Panel thus far.

D. Cooperation with stakeholders and organizations

25. The Security Council, in paragraph 22 of resolution 2140 (2014), directed the Panel to cooperate with other relevant expert groups established by the Council to support the work of the sanctions committees, in particular the Analytical Support and Sanctions Monitoring Team established by resolution 1526 (2004).

26. The Security Council, in paragraph 23 of resolution 2140 (2014), urged all Member States, as well as international, regional and subregional organizations, to ensure cooperation with the Panel, and further urged all Member States involved to ensure the safety of the members of the Panel and unhindered access, in particular to persons, documents and sites, in order for the Panel of Experts to execute its mandate.

27. The Panel established working relationships with a broad range of stakeholders, including the Government of Yemen, relevant Member States and their Permanent Missions to the United Nations in New York and diplomatic representatives in Sana'a, especially the Group of 10,[2] the Office of the Special Adviser to the Secretary-General on Yemen, the United Nations country team in Yemen, multilateral organizations, international and local NGOs, and private individuals both inside and outside Yemen.

28. Despite being assured that there was a consensus on providing assistance to the Panel by Member States, which has not been forthcoming, and apart from one Member State providing some documents and another awaiting the conclusion of a confidentiality agreement, there has been no material assistance provided to the Panel in identifying any person or entity committing acts likely to affect the peace, security or stability of Yemen, or in identifying the whereabouts of any assets held by a designated person.

[2] Comprising the permanent five members of the Security Council, GCC and the European Union.

29. The Panel has been informed that assets belonging to Ali Abdullah Saleh are located in France, Germany, the United Kingdom and the United States, and that members of the Government of Yemen and the Yemen National Authority for Recovering Stolen Assets (AWAM) have participated in at least five international meetings under the Group of Eight (G-8) Deauville Partnership with Arab Countries in Transition,[3] and in some cases even visited individual countries' Government and law enforcement agencies[4] to discuss assets located there.

30. The Panel has found the response of Member States to its letters of enquiry to be of varying quality in terms of speed of reply and content, particularly the level of disclosure made. While some Member States responded quickly, others have not yet replied to letters of enquiry and another has taken six months to respond with answers to straightforward questions. The Panel is also aware of some cases where a negative response has been supplied regarding the location of assets belonging to designated persons, despite knowledge being widespread that assets are in fact located within that jurisdiction (see annex II).

31. The Government of Yemen created two specific committees to liaise with the Panel to deal with general matters and financial matters,[5] which the Panel met with once in Yemen. In a letter dated 21 July 2014, the Panel requested information from the Government of Yemen (letter of 21 July 2014 requesting information in a number of areas) and received a response by email on 8 December 2014.

E. Challenges encountered by the Panel during the first year of the mandate

32. Over the period of the mandate, the Panel was challenged to a significant extent by the speed of developments in Yemen. The rapid expansion of Houthi territorial control, its emerging alliance with elements of the old regime and its growing influence on organs of the local and central governments required continuous careful monitoring and quick reactions by the Panel.

33. During the reporting period, the security situation did not allow the Panel to travel to all areas of the country to conduct on-the-ground fact-finding. Also, the overall high visibility of the Panel (the Panel moves in a high profile convoy) required careful consideration of the security risk for those individuals who offered to provide testimony to it, and resulted in some cancellations of interviews or a failure to respond to the Panel's questions by some individuals. In Sana'a, security considerations make the organization and scheduling of meetings with interlocutors prior to arrival in country impossible, which risks their non-availability at short

[3] Doha, 11-13 September 2012; Doha, 2-3 April 2013; Sharm el-Sheikh, Egypt, 11-13 June 2013; Marrakesh, Morocco, 26-28 October 2013; and Geneva, 1-3 November 2014.

[4] United Kingdom of Great Britain and Northern Ireland, 2-7 September 2012 and 2-7 September 2013.

[5] In order to facilitate cooperation with the Panel, the Government of Yemen, through its Ministry of Foreign Affairs, established two standing committees consisting of the following members: (a) Military Intelligence Service, Office of the Attorney-General, Office of the President, Security Service, Ministry of Justice, and Ministry of Interior and National Security Bureau; and (b) National Committee for Anti-Money Laundering, Ministry of the Interior, Central Bank of Yemen, Office of the Attorney-General, Central Agency for Control and Auditing, and the Financial Intelligence Unit.

notice. A number of factors impact interlocutors' engagement with the Panel, including interlocutors' fear for their personal safety; the potential uncovering of links that tie them to issues pertaining to spoilers under investigation; and fear of potential leaks to the media. As alliances and competing interests are constantly changing in Yemen, the Panel observed low levels of trust among and between the Panel interlocutors.

34. The Panel was unable to establish direct communication with the Houthi leadership (see paras 20-21 above). A considerable amount of information received refers to acts and violations of international law committed by the Houthis, while less evidence was received on violations committed by Government forces or tribes affiliated with the Government or the Islah party.[6] In fact, the Panel found it at times difficult to gather balanced information regarding the acts of all parties involved. In addition, this report does not provide a detailed account of relevant behaviour by AQAP during the fights in Ibb and Al Hudaydah and other areas in central and south Yemen. Consequently, the Panel tried to exercise due diligence concerning the data it received, questioning not only the source of the data, but also its authenticity and potential bias.

35. The principle of distinction, a cardinal principle of international humanitarian law, requires a distinction between civilians, combatants or fighters, and those persons who laid down their weapons (individuals hors de combat), as well as civilian and military targets. The laws of war are applied differently to those categories of persons and objects with the aim to provide special protection to civilian persons and civilian infrastructure.

36. The widespread use and availability of weapons in Yemen, including medium and heavy weapons, is challenging the distinction between fighters and civilians. Also, in all armed conflicts in Yemen there is a pattern of use of schools for military purposes. The Panel has not always been able to verify the exact circumstances of the use and destruction of these schools, which is a prerequisite to the establishment of violations of international humanitarian law; for example, whether a school was occupied and used by fighters affiliated with the Islah party as a weapons depot prior to an attack by the Houthis.

II. Context

37. During the period of the mandate of the Panel, Yemen continued to experience serious internal and external threats. The Yemeni Government remained weak; the country suffered from dire economic conditions; a fractured political landscape; weak command and control over the military and security sectors; and varied influence from regional players. The GCC Agreement and the NDC outcomes continue to serve as the agreed upon road map for all the political parties of Yemen. This is despite the current turmoil in the country and the attempt by some regional actors to launch a second regional initiative to replace the GCC Initiative, as recently announced by Oman. Both policy instruments are among the core elements for the mandate of the Panel. This section briefly explains the context and the parameters upon which the Panel based its investigations.

[6] The Yemeni Congregation for Reform is referred to as the Islah party. It is the main Yemeni political party and is composed of tribal leaders, the Salafi groups and the Muslim Brotherhood.

A. Political developments

38. Yemen's political landscape has changed drastically with the fall of Amran on 8 July 2014 and Sana'a on 21 September and now under Houthi domination. Shifts in party allegiances resulted in the formation of unexpected alliances between former enemies, such as the Houthis and former President Saleh; the weakening of dominant political parties like the Islah party; the departure of leading political and influential figures like Hamid al-Ahmar and Ali Mohsen al-Ahmar from Yemen; an increase in AQAP activities in the south and Hadramaut; and an increased call for separation by the south. The impact of such changes is yet to be fully evaluated on the local, regional and international levels.

39. The Government of Prime Minister Bahah received a vote of confidence from the Yemeni Parliament on 19 December, after failed attempts by lawmakers from GPC to block the vote in protest of Government attempts to close the party's offices in Aden. However, in order to secure the support of the GPC members, the Government was forced to promise that it would not implement any of the measures required by resolution 2140 (2014) on any designated person, including former President Saleh, the current President of the General People's Congress Party (GPC).

40. The vote of confidence was also accompanied with a clear timeline of deliverables from the Government to the Parliament and the people of Yemen. It highlighted the importance of the continued engagement with all parties and with the Government to successfully implement and address the existing stalemate regarding political and security agreements agreed upon by all the parties.

41. With little or no control over vital governmental institutions,[7] and with ministers exerting little or no control over the finances and the management of their institutions due to the intervention of Houthi oversight, the Government remains vulnerable and weak.

42. Delays in the completion of the constitution-drafting process continue to draw criticism from entities and parties with an interest to derail the transition process. Continued issues of contention relate to the role of religion in the State, women's inclusion in the political process and the proposed Federal system.

43. Calls for an independent south and rising sentiments against the NDC-negotiated six-unit federal plan are on the rise. At the same time, the Houthi advance with the support of their allies in southern cities like Taiz and Al Hudaydah is being met with resistance by most southern factions, especially Al-Hirak al-Tehami. With the continued impasse, the ground is fertile for renewed divisions among southerners.

44. Ongoing shifts in tribal alliances and loyalties continue to influence the power equation in Yemen. Given that some tribes have roots in neighbouring countries, their loyalties vary, and, according to a confidential source, in some instances tribal members have been recruited by AQAP. In Yemen, tribes are known to play a major role in the protection of oil and gas companies, and the Panel received allegations that some of them are sabotaging oil and gas pipelines and power transmission lines as a means to blackmail the Government.

[7] The Government has no control over the Ministry of Defence, the Central Bank of Yemen and the media stations. Other ministries have come under siege and intimidating acts towards Government officials continue to take place.

45. In spite of the naming of two Houthi leaders[8] by the Committee, the Houthi operations and expansion across the country have not halted. Houthi expansion and control across the country is leading to confrontations with opposing factions. Roadblocks and checkpoints impact the daily life of Yemenis, and peaceful demonstrations organized by activists against such restrictions have been unsuccessful.

46. The designation of former President Saleh has triggered rifts within his political party and a debate around the legitimacy of his actions within the party's by-laws and leadership role. As expected, his immediate supporters denounced the Committee decision, while other members are aware of the long-term impact on the party's ability to run for future presidential elections. A confidential source informed the Panel that observers had noted his weakness in bringing out large rallies and that the Houthis did not demonstrate any public support against his designation. The Panel continues to monitor the impact of sanctions on his ability to threaten the peace, stability or security in Yemen.

B. Security developments

47. According to several interlocutors, the government of President Hadi has the legitimacy and positional power but not the military power to counter the Houthis or AQAP in the south.[9]

48. As of the writing of this report, the Houthis, with support from their allies, are yet to withdraw from Sana'a, despite having agreed[10] to do so after the formation of the new government. In addition to Sana'a, the Houthis have gained control over Arhab, Amran, Al Hudayadah, Al Jawf, Hajjah, Dhamar and parts of Al Bayda. The end of such expansion is yet to be seen, triggering continued concerns for the international community, regional players, non-governmental organizations and businesses with investments in Yemen. Implications for all stakeholders are yet to be evaluated fully.

49. Recent clashes and fighting between the Houthis and AQAP in Taiz, Ma'rib, Al Bayda, Radaa and Ibb are taking on a sectarian tone due to Houthi expansion in historically-dominated Sunni-Shafi areas.[11]

50. According to a confidential source, AQAP is taking advantage of such sensitivities and is recruiting Sunni tribesmen to fight on its side against the Houthis.[12] High casualties are reported from both sides, and there are serious concerns that further escalation will lead to an increase in sectarian violence. As AQAP maintains a heavy presence in the south-eastern provinces of Abyan, Shabwa, Hadramaut, Ma'rib and Al Bayda, among others, the organization seeks to carve out

[8] Abd Al-Khaliq Al-Huthi, Yei.001, and Abdullah Yahya Al Hakim, YEi.002.

[9] Confidential interviews with Track I and Track II interlocutors.

[10] See www.bbc.com/news/world-middle-east-29962739.

[11] According to the Yemen 2012 International Religious Freedom Report, most citizens in Yemen are Muslim. Though there are no official statistics available, it is estimated that 60 per cent belong to the Shafi school of thought in Sunni Islam and 30 per cent belong to the Zaydi school of Islamic theology; see www.state.gov/documents/organization/208632.pdf.

[12] According to statistics, the number of AQAP attacks increased by 50 per cent between 2013 and 2014.

an Islamic State that is based on its ideology and convictions. Consequently, anyone with different religious beliefs is considered a legitimate target.

51. The Houthis' demand and insistence to enrol 75,000 of their fighters in the army and security forces has been met with much resistance by the Government of Yemen, especially given their refusal to relinquish their arms. The feared consequence is the imbalance caused by the over representation of Zaydi groups in sensitive sectors of the Government.

52. The continued attacks on oil, gas and electrical infrastructure have had major implications on the economic and political levels, which continue to undermine the ability of the current Government to manage the country and hold the perpetrators accountable. The attacks have also put continued emphasis on Yemen's need to work with its regional allies to ensure the continued flow of gas into the country.

53. Yemeni youth[13] are susceptible to recruitment by ideological extremist groups, owing to a number of factors, including dissatisfaction with the progress made in the country after their visible participation and demands for change in the 2011 revolution; high rates of unemployment;[14] poor economic conditions;[15] severe food insecurity and malnutrition; and limited life opportunities.[16]

C. Regional developments

54. The changing attitudes of some GCC countries towards major political factions and former influential political figures may have inadvertently resulted in spoiler activities as they compete for power. For example, with the fall of the Muslim Brotherhood in Egypt, shifts in regional attitudes and support of Islamist groups directly impacted the Yemeni political scene. It weakened the Muslim Brotherhood movement, a leading player within the Islah party, one of the main Yemeni political parties, and impacted the party's ability to respond to attacks by former political rivals, mainly the Houthis and Ali Abdullah Saleh and his supporters. It was noted that during the Houthi takeover of Sana'a, the Islah party decided to avoid any confrontations with the Houthis, an indication of its calculations of its weakened position. In addition, shifts in the level of support from the GCC countries to Yemen directly impact the stability of the government of President Hadi and its ability to implement the NDC outcomes. For example, Saudi Arabia's suspension of most of its aid to Yemen[17] is a signal of its dissatisfaction with the Houthi dominance of Government institutions. The impact of such a move is yet to be assessed, but it will certainly impede the country's ability to recover economically and further weaken the resistance of vulnerable groups to acts of violence committed against them.

55. The drastic shifts in governance and centres of power in countries like the Syrian Arab Republic, Egypt and Libya seem to embolden elements of the former

[13] See www.escwa.un.org/popin/members/yemen.pdf.

[14] See www.prb.org/pdf07/youthinmena.pdf.

[15] According to the World Bank, 47 per cent of the population live under $2 a day and 60 per cent of youth are unemployed and suffer from high illiteracy, especially among women. See www.worldbank.org/en/news/feature/2012/09/26/yemen-talking-points.

[16] See: www.arab-hdr.org/data/profiles/YEM.aspx.

[17] See www.reuters.com/article/2014/12/04/us-yemen-saudi-aid-idUSKCN0JI10V20141204.

Yemeni regime, especially Ali Abdullah Saleh, and their aspirations to return to power.

56. The regional role of the Islamic Republic of Iran and its impact on Yemeni politics cannot be discounted. Its strategic engagement with Yemen is often evaluated in the context of its historical relationship with Zaydi communities and the Sunni-dominated GCC countries. The recent release of Iranian prisoners after the Houthi control of Sana'a indicates the depth of the relationship.[18] In addition, there is increased international concern over the growing influence of the Islamic Republic of Iran in the Gulf of Aden.[19]

57. The recent assassination attempt against the Iranian ambassador and the bombing of the Iranian Embassy in Sana'a on 3 December 2014 by AQAP indicate a growing enmity towards the support of the Islamic Republic of Iran of the Houthis in Yemen, and highlights dissatisfaction with the growth of non-Zaydi Shia influence in Yemen.

58. The geographical proximity of Eritrea to Yemen lends itself to licit and illicit activities, and several trusted interlocutors mentioned confidentially the Iranian Revolutionary Guards Corp (IRGC) training of Houthi forces on a small island off the Eritrean coast.[20] The same sources accused the Islamic Republic of Iran of channelling weapons to Sa'ada.

59. With the intensified efforts of the international community to curtail the growth of the Islamic State of Iraq and the Levant (ISIL) in the region, the timeliness and the effect of the response of the international community to the developments in Yemen is yet to be evaluated. However, it has been to the advantage of many parties that have a long-term interest in derailing or hindering the political transition process, such as AQAP, elements of the old regime and regional powers that desire an expanded role in Yemen.

D. Applicable international humanitarian and human rights law

60. The political transition remains seriously obstructed by the weak rule of law, widespread disrespect for human rights and a lack of accountability for past and present human rights violations. The establishment of a transitional justice mechanism as foreseen by the NDC outcomes has so far failed because of active resistance by members of the former and the present regime who, for personal reasons, do not have an interest in truth telling and justice. Threats and violations of the right to life remain a current means to achieve political goals. The outbreak of new armed violence in the north of the country in March 2014, which quickly spread towards Sana'a and continues to destabilize the central and southern governorates, further added to the track record of violations of international humanitarian law and human rights law by the parties involved. Because of the

[18] The two prisoners were released on 25 September, four days after the fall of Sana'a.

[19] See http://vesselfinder.com/news/2355-Iran-Navy-foils-pirate-attack-in-the-Gulf-of-Aden; and www.nytimes.com/2014/09/22/world/middleeast/china-and-iran-to-conduct-joint-naval-exercises-in-the-persian-gulf.html.

[20] See www.harnnet.org/old/index.php?option=com_content&view=article&id=4687:london-based-newspaper-iran-trains-houthis-in-eritrea-&catid=41:top-headlines&Itemid=97, and www.criticalthreats.org/gulf-aden-security-review/gulf-aden-security-review-january-22-2013.

intensity of the armed violence, the level of organization of the involved armed groups and the duration of the violence, these incidents have reached the threshold of internal armed conflicts in accordance with the international definition.[21]

61. The Security Council, in its resolution 2140 (2014), requested the Panel to provide information on individuals and entities that met the designation criteria, which includes violations of international humanitarian law and human rights law. Yemen has ratified the four 1949 Geneva Conventions, their two Additional Protocols[22] and other key international humanitarian laws.[23] Human rights law does not cease to apply in times of armed conflict. Yemen has ratified seven core international human rights instruments.[24] Finally, although foreseen by the NDC outcomes, the country has not yet ratified the Statute of the International Criminal Court.[25]

62. In internal armed conflicts, the minimal rights and duties enshrined in common article 3 of the Geneva Conventions apply to the parties. Moreover, the customary rules of international humanitarian law are applicable and must be observed by all parties, including the armed non-State actors.[26] Given further the level of organization of the Houthi forces and the control of territory reached with the takeover of Amran in July 2014, the threshold for the application of Protocol II to the Geneva Conventions has been reached with regard to the armed conflict between the Houthi forces and the Yemeni army.[27]

E. Financial legislative and regulatory environment

63. As Yemen is the main stakeholder for the sanctions measures to be implemented under resolution 2140 (2014), research was conducted into Yemen's financial legislative and regulatory environment, and its ability to implement any asset freeze measures. The financial sector in Yemen consists of the banking sector, the money exchange activities and insurance activities. Yemen does not have a stock

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[21] International Committee of the Red Cross, Opinion paper, "How is the term 'armed conflict' defined in international humanitarian law?" (March 2008); available at https://www.icrc.org/eng/assets/files/other/opinion-paper-armed-conflict.pdf.

[22] Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), adopted at Geneva on 8 June 1977; Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II), adopted at Geneva on 8 June 1977 (United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513).

[23] See www.geneva-academy.ch/RULAC/international_treaties.php?id_state=234.

[24] International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities with its Optional Protocol.

[25] The NDC Working Group on Issues of National Dimensions, National Reconciliation and Transition Justice recommends the ratification of the Rome Statute of the International Criminal Court (recommendation No. 94).

[26] For an overview of customary international humanitarian law rules, see www.icrc.org/customary-ihl/eng/docs/v1_rul.

[27] See Protocol II, art 1, para. 1.

exchange market; however, the Central Bank of Yemen manages the treasury bills through the General Department of Public Debt and Lending.

64. The banking sector is supervised by the Central Bank of Yemen and, according to the latest review undertaken by Middle East and North Africa Financial Action Task Force (MENAFATF) in 2008, there were 16 banks and 200 branches nationwide, including 4 Islamic banks, 2 specialized banks, one of which had recently begun to expand its services as a universal bank, and 10 conventional (commercial) banks, 6 of which were local and 4 of which were branches of foreign banks. There are also currently 551 individual moneychangers and money exchange companies officially operating in Yemen. These comprise 38 money exchange companies with 299 branches across the Yemeni governorates, and 513 money exchange companies run by individuals.[28] They are all subject to the control of the Central Bank. Certain moneychangers are licensed to buy and sell foreign currency and are also conducting *hawala*[29] activity, even though they did not obtain a license to do so from the Central Bank.

65. The Central Bank Governor's Decision No. 1 of 2011 provides for authorizations to be given to conduct foreign *hawala* transactions, and therefore such activity should be regulated. The same decision allows individual moneychangers to conduct *hawala* activities if they are contracted to do so as agents of banks or money exchange companies. In order to facilitate the work of moneychangers, close down out-dated money exchange companies and promote the use of official channels, the Central Bank has adopted a flexible approach, making it easier to obtain money changing licences and avoiding complex and costly practices.

66. The extensive use of money exchangers, both formal and informal, poses an investigative challenge to the authorities. First, there needs to be a sufficiently large group of trained financial investigators available to conduct enquiries in a large number of locations, some of which are in areas where the security situation is difficult. Second, there is naturally an onus on the sending and receiving offices to conduct appropriate customer due diligence enquiries on the customer to identify their true identity. This is currently restricted to providing a single piece of official identifying information. Yemen's economy is therefore characterized by the use of widespread cash-based financial transactions, which has an effect on the usefulness of financial investigations, as there are very few money trails available to follow the movement of cash or other assets located within Yemen. Financial and banking transactions are very limited, and the number of transactions conducted through the banking system was reported not to exceed 3 to 5 per cent of the total.[30]

67. In February 2010, the Financial Action Task Force (FATF) reported that Yemen had made "a high-level political commitment to work with FATF and MENAFATF

[28] Letter dated 8 December 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Yemen to the United Nations.

[29] *Hawala* or *hewala*, also known as *hundi*, is an informal value transfer system based on the performance and honour of a huge network of money brokers, primarily located in the Middle East, North Africa, the Horn of Africa, and the Indian subcontinent, operating outside of, or parallel to, traditional banking, financial channels, and remittance systems.

[30] MENAFATF *Mutual Evaluation Report: Anti-Money Laundering and Combatting the Financing of Terrorism — Yemen* (2008); available at www.menafatf.org/images/UploadFiles/MER_Republic_of_Yemen.pdf.

to address its strategic Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) deficiencies, and since then Yemen has made progress to improve its AML/CFT regime". In June 2014, FATF stated that Yemen had substantially addressed its action plan at a technical level, including by adequately criminalizing money-laundering and terrorist financing and establishing procedures to identify and freeze terrorist assets.[31]

68. It should be noted that outcome 15 of the NDC Transitional Government Working Group states the following: "The State shall commit to asset recovery of all looted funds and public and private lands in the country and abroad arising out of the abuse of power or exploitation of power, theft or fraud or any other illegal means to ensure the right of the victims and society by holding accountable the looters administratively and judicially in accordance with national and international standards and in a manner that ensures the enactment of legislations preventing illegal disposals of properties, land and funds".

69. The Law on Financial Statement Disclosure, law No. 30 of 2006, is a piece of legislation obliging any public official[32] to "disclose by means of regular written statements concerning all property which he/she possesses, whether that property is in cash or in kind, to the Supreme National Authority for Combating Corruption". The law also states that all disclosures submitted by the persons shall be kept in absolute secrecy, and it is forbidden to publicize them. If there were a requirement that these disclosures could under certain circumstances be made available to the public, it would make the actions of all public officials transparent and act as a disincentive to illegal personal enrichment.

70. The Ministry of Legal Affairs has drafted an asset recovery law for Yemen, which has undergone a period of public consultation. Despite there being a hope that the draft would be agreed and passed into domestic legislation in the early summer of 2014, it has stalled within Parliament, there being insufficient votes in favour of passing such legislation. However, this is still a very emotive issue and there remains a large body of public opinion within Yemen that is calling for such a law to be enacted. A number of NGOs are working within Yemen in an attempt to recover these funds by working within the United Nations Convention against Corruption (UNCAC) framework.

III. Individuals or entities engaged in or providing support for acts that threaten the peace, security or stability of Yemen

71. During the reporting period, various individuals and entities have engaged in, or provided support for, acts that threaten the peace, security or stability of Yemen. These included political manoeuvres that encompassed destabilizing acts and impediments to the political transition process and to the implementation of the NDC outcomes, and acts of violence that included the kidnapping of foreigners for ransom, politically motivated assassinations, improvised explosive device explosions in many parts of the country, and sabotage operations against oil pipes and electrical grids. Ongoing inter-tribal disputes and shifts in tribal alliances resulting in ongoing fighting in Al Jawf province, the Houthis' takeover of Amran

[31] See www.fatf-gafi.org/countries/u-z/yemen/documents/fatf-compliance-june-2014.html#Yemen.

[32] Everyone who performs a permanent or a temporary public function at any public office.

and Sana'a and their continuous expansion to the western province of Al Hudaydah, the eastern provinces of Ma'rib and Hadramaut, and the southern provinces of Al Bayda, Ibb and Taiz further threaten the peace, security and stability of the country. AQAP is taking advantage of the situation and promoting a sectarian Shiite-Sunni (that is, Zaydi-Shafi) divide. It has successfully built tribal alliances with anti-Houthi tribesmen in central and southern Yemen and attacked military vehicles and facilities. Individuals and entities engaged in acts that threaten the peace, security or stability of Yemen are examined below.

A. Former President Saleh and his allies

72. Former President Ali Abdullah Saleh continuously professes that life was better under his presidency and takes every opportunity to make President Hadi look weak and not in control. Allegedly, according to a confidential source, this has included organizing demonstrations against the Government and attacks on the oil, gas and electricity infrastructure of the country. Ali Abdullah Saleh still maintains large support and influence among a part of the GPC membership, especially within the Government of Yemen.[33] This was indicated to the Panel during its meeting with him in August 2014, where there were 22 senior GPC party members present, who all made a distinct effort to support the former president in numerous lengthy speeches.

73. Ali Abdullah Saleh is using his followers within GPC to continually block the legislative processes and political initiatives of the Hadi government that contravene his interests. These include efforts of the Government of Yemen to implement the outcomes of NDC, especially those related to the proposed six-unit federal system, transitional justice, anti-corruption, settling southern property claims and the passage of stolen asset recovery laws.

74. According to a confidential source, Ali Abdullah Saleh also retains control of a large military camp named Raymat Humaid in his hometown of Sanhan, where he moved heavy weapons, in defiance of the NDC outcomes that stated that all heavy weapons be under the control of the Government and Ministry of Defence.

75. There have been several statements provided to the Panel referring to the close relationship between Ali Abdullah Saleh, his family and AQAP. The Panel was informed by a confidential source that Mohammad Nasser Ahmed, the former Minister of Defence, saw AQAP leader Sami Dayan in then President Saleh's office with the President. At the time, the Minister was directing an offensive against AQAP in Abyan province, and the purpose of his meeting with President Saleh was for him to be instructed to withdraw his troops from fighting AQAP. According to the same source, when the AQAP leader left, the Minister asked President Saleh whether it was the same man who had issued a *fatwa* (religious edict) against him, the Minister of Defence, and Ali Abdullah Saleh responded affirmatively. The Panel was also informed confidentially that in May 2011 the military officer in charge of the Anti-Terrorism Unit in Abyan province was the nephew of Mr. Saleh, Yahya Saleh. The same confidential source said that it was said that it was he who gave

[33] According to *Yemen Times*, 18 December 2014, in 2014 GPC held 238 out of 301 seats in the Yemeni Parliament; see www.yementimes.com/en/1843/news/4704/GPC-withholds-vote-of-confidence.htm.

orders for all his troops to withdraw to Sana'a, which allowed AQAP to attack and occupy the province until June 2012.

76. Interlocutors stated that prior to the 2011 uprising, President Saleh had been grooming his son, Ahmad Ali Saleh, to be his successor. They further claimed that this was one of the reasons for the fallout between former President Saleh and Ali Mohsen al-Ahmar[34] and the Al Ahmar family,[35] including Hamid al-Ahmar.[36]

77. Ahmad Ali Saleh was appointed Commander of the Republican Guard in 2000. On 19 December 2012, President Hadi dismissed him and on 10 April 2013 appointed him Ambassador Extraordinary and Plenipotentiary of the Republic of Yemen in the United Arab Emirates. According to various interlocutors, despite Ahmad Ali Saleh's replacement as Commander of the Republican Guard and new ambassadorship, he still maintains influence over large numbers of the elite troops.

78. Numerous sources allege that Ahmad Ali Saleh has looted weapons and other State property since his dismissal from the post of Commander of the Republican Guard. The Panel has received documents, which are on file with the Panel, from a commission composed of senior Yemeni army officers identifying weapons that were moved to the Saleh family's private military base Raymat Humaid in Sanhan. These weapons include thousands of rifles and pistols and dozens of heavy machine guns, mortar canons, rocket-propelled grenades, sniper rifles and SAM 2 and SAM 7 anti-aircraft missiles. The Panel's sources further allege that there is no record of a handover report containing a weapons inventory from Ahmad Ali Saleh to his successor. The Panel was also provided a report that included lists of weapons that President Saleh ordered to be delivered to the Republican Guards in 2011. However, neither Ahmed Ali Saleh nor his staff signed handover documents showing proof of receipt, and the weapons were never recorded in the military accounts register.[37] These weapons include several thousand rifles, hundreds of sniper machine guns, hundreds of heavy machine guns and several thousand of different kinds of ammunition cartridges and rocket-propelled grenades.

79. In an official document dated 18 June 2014, which was published online on 1 July 2014, former Prime Minister Basindawa requested Ahmad Ali Saleh to return to Yemen and account for all the missing weapons.[38] The media outlet that published the document revealed some of the weapons and equipment: 40,000 AK-47s, 25,000 M-16 rifles, 35 Hummer cars, 12 armoured personnel carriers, 12 pistols (Glock), 13 Land Cruisers and 10 Ford vehicles, of which 4 are armoured. The Panel met with Ahmad Ali Saleh in August 2014 in Sana'a, where he was confronted with these allegations, which he denied. The Panel has no knowledge of any formal response from him to the Government of Yemen regarding the inquiry of the Government.

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[34] In his most recent post, he served as adviser to President Hadi. He was also the Commander of the First Armoured Division.

[35] Al Ahmar family are the leaders of the Hashid tribe.

[36] Hamid al-Ahmar is the son of Abdullah al-Ahmar, the late leader of the Hashid tribal federation and the Al Islah tribal confederacy and brother of Sadiq al-Ahmar, who succeeded his father in assuming leadership. He is also a Yemeni politician, a member of Parliament, a businessman and an explicit foe of Ali Saleh, his son Ahmad and the Houthis.

[37] Documentation on file with Panel.

[38] See www.adenalghad.net/news/111834/#.VEZhqUthbGB.

80. Many interlocutors indicated that, despite waging six wars against the Houthi movement in the north of the country between 2004 and 2010, there are numerous indications that Ali Abdullah Saleh has aligned himself with the Houthis to destroy the power base and property of his enemies, particularly the Islah party, represented mainly by Ali Mohsen al-Ahmar and the Al Ahmar family. According to interlocutors, Ali Abdullah Saleh initially ordered his supporters in the Government, the security services and the tribes not to intervene and curb Houthi forces in the achievement of their goals. As the Houthis advanced, former President Saleh allegedly provided direct support to them through funding, the acquiescence of the Republican Guard, through which he still exercises considerable control, and the provision of their expertise. This was most evident in the assaults on Amran in July 2014 and the capital Sana'a in September 2014. In personal testimony to the Panel, one interlocutor explained that Mr. Saleh was seeking revenge against these people for contributing to his loss of power in 2011 and 2012.

81. Many interlocutors reported that the State was demonstrably absent during the armed conflicts. One report mentions that the local military commander withdrew from the area of Hamdan, arguing that the conflict had nothing to do with the local population, but was merely a fight between the Houthis and their enemies. During the Panel visit to Sana'a in June, a number of interlocutors complained that the State and the army were behaving "like mediators" in the emerging conflict, rather than fulfilling their task of providing security and stability to the country and protecting the population. Other interlocutors stated that the Government had intentionally failed to act in defence of the 310th Armoured Brigade by not sending reinforcements in a timely manner. The information received on the absence of the army during the takeover of Amran by the Houthis backs up other information received by the Panel referring to the loyalty of large parts of the army to elements of the old regime, in particular Ahmad Ali Saleh and former President Saleh, who colluded with the Houthis in what resulted in a coup d'état.

B. Houthis

82. The Houthi movement emerged as a result of the six rounds of war the Houthis fought with the Government between 2004 and 2010.[39] During that period, they lacked a well-defined political agenda and were therefore politically and militarily relatively weak. At that time, they were primarily confined to Sa'ada governorate, but the 2011 uprising against former President Ali Abdullah Saleh changed the country's political dynamics, propelling the Houthis onto the national stage. Membership of the group is said to have been between 1,000 and 3,000 fighters in 2005, and between 2,000 and 10,000 fighters as at 2009. According to an interview with Houthi expert Ahmed al-Bahri, published in Yemen Post on 10 April 2010, the Houthis had a total of between 100,000 and 120,000 followers made up of armed fighters and unarmed loyalists. Some confidential sources now reveal that they are requesting that the new Government integrate around 75,000 Houthi fighters into the military and security institutions.

83. The Houthis have committed fighters who believe that their war is a divinely sanctioned jihad that requires obligatory obedience to their leader Abdul Malik

[39] Prior to the emergence of the Houthi Movement, it was called Shabab al-Momin, or The Believing Youth.

al-Houthi. Abdul Malik al-Houthi is a Hashemite and is considered a descendent of the Prophet.[40] The Houthis use a variety of media outlets, and have their own television station (Al Masirah, www.almasirah.tv), which broadcasts from the stronghold area of Hezbollah in Beirut.

84. The Houthis developed a strategy of taking the initiative in the decision-making process in Yemen through different means, such as participating in the uprising, encouraging the sit-in camps, waging violent battles against army units and tribes affiliated with the Islah party, pretending to enter into negotiations, mediation and truce agreements, and finally controlling Government, military and security institutions. Beginning in Sa'ada, they attacked Al Jawf, took over Amran and Sana'a and expanded to Al Hudaydah (west), Ma'rib (east), Ibb and Taiz, consequently extending the proposed region of Azal in the planned six-regions federal State, and became the strongest armed group in Yemen.

85. Over the past 10 years, the Houthis have acquired extensive combat experience and large numbers of heavy, medium and light weapons, including tanks and armoured vehicles. During the current armed conflict, they have also looted a considerable amount of light, medium and heavy weapons, including many tanks, from the Yemeni army.[41] Reportedly, the Houthis' armaments come from two additional sources: tribal allies and arms dealers. The latter include both local[42] and international sources, for example, the arms vessel *Jihan*, which was seized in Aden port on 23 January 2013, allegedly carrying Iranian weapons to the Houthis. Full details concerning this vessel are elaborated in section IV.F. of the present report.

86. The Houthis have gained territory and resources through either the use of force or the threat to use force. This has led to rival tribes signing truce agreements in order for the Houthi to neutralize them in future disputes with other tribes or parties; and to expand their fighters and relevant resources to the new combat zones. As an example, the Bani Suraim tribes loyal to former President Saleh signed a truce agreement with the Houthis on 5 February 2014. The agreement facilitated the Houthis' movement to new combat zone areas. The agreement stated that sheikhs and notables of Bani Suraim should prevent the blocking of roads and assaults on Houthis (art. 3) and that the tribes should not allow any aggression to be launched from their own areas against the mujahedeen [Houthis] and vice-versa (art. 4).

87. Consequently, the Houthis took over the government compound and two schools in Houth, set up checkpoints and forced all military units out of the district and into Amran, captured Raidah district to the north of Amran and proceeded to advance across Amran province.

88. Later in the same month, they entered into another truce agreement with the Arhab tribes located in south-east Amran. This was preceded by a period of heavy

[40] Hashemite imams ruled Yemen for centuries before the 1962 coup that deposed the imamate.

[41] A list of weapons looted by the Houthis from the 310th Armoured Brigade in Amran is on file with the Panel. Moreover, a confidential source revealed that in September during their takeover of Sana'a the Houthis looted the following: 15 tanks from the television building and 30 tanks from the army headquarters, as well as an unknown number of medium and light weapons, ammunition and armoured vehicles.

[42] Fares Mana'a is their appointed Governor of Sa'ada, a well-known arms dealer in the region, who was sanctioned on 23 August 2012 by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea. His name is on the list of individuals and entities subject to the travel ban, assets freeze and targeted arms embargo.

fighting that left hundreds of people, combatants and civilians either killed or injured.

89. In March 2014, the Houthis signed a truce pact with the pro-Saleh sheikhs of the tribes in the Hamdan district south of Amran, similar to that signed previously with other tribes. Shortly thereafter, the Houthis signed a ceasefire agreement with the Samah tribes in Anis district, Dhamar province. According to personal testimony given to the Panel, Ali Abdullah Saleh is believed to have facilitated these agreements and to have arranged for the safe passage of the Houthis through the lands of the Bani Sufyan tribes, north of Amran.

90. A confidential source has informed the Panel that Saleh supporters also backed the Houthis during their demonstrations in Sana'a, and that it was the support of Ali Abdullah Saleh and his party that was the most significant. Without that support, the Houthis would not have been successful in their efforts. It has been reported that a large number of Saleh's supporters who camped on his palace grounds were seen and heard shouting and chanting, "With soul and blood we protect Ali", referring to the former president. A private television station owned by a major supporter of Saleh covered this daily occurrence extensively.[43]

91. Once the Houthis have an area under their control, they replace the authority of the State with Houthi loyalists. For example, in March 2011, they took over Sa'ada and appointed the prominent arms dealer Fares Mana'a as Governor. According to personal testimony and open source media, on 8 July 2014, they took over Amran and replaced the Islah Governor with the Secretary-General of the local council, Nasser al-Makhlosi, as acting Governor.

92. Following their takeover of Sana'a, Houthi forces have extended their control to include the international airport. According to a confidential source, as a result of their action at the airport, a Member State sent a letter to the Yemeni Ministry of Foreign Affairs protesting the perpetual ill treatment and blackmailing of their diplomats by Houthi forces while conducting their official business at Sana'a airport.[44] A confidential source also informed the Panel that the Houthi forces interfere in every operational function at the airport, including the monitoring of the passenger flight manifests, detaining their adversaries whether entering or leaving the country, controlling flight movements and checking diplomatic baggage. Another confidential source informed the Panel of an incident in which Houthi forces ran onto the runway and fired a rocket-propelled grenade at a plane belonging to a GCC country in an attempt to prevent it from departure, but fortunately it missed its target.

93. On 21 September 2014, the Houthi forces seized Sana'a and exerted control over all government institutions and buildings, including the Central Bank and the Ministry of Oil. Two groups now control the capital as proxies of the Houthis: the "revolutionary committees", which are mainly comprised of Houthi militants, and "popular committees", which are comprised of an amalgam of their allies and supporters in the local areas. The influence of both extends to the highest levels of the Government. On 7 December 2014, for example, President Hadi appointed

[43] See http://carnegieendowment.org/sada/index.cfm?fa=show&article=56674&solr_hilite=.

[44] http://almasdaronline.com/article/65492.

Brigadier General Hussein Khayran Chief of Staff of the Army.[45] The Houthis rejected his appointment and demanded that it be rescinded and that he be replaced by one of three officers nominated by them. They also physically blocked the newly appointed Chief of Staff from reaching his office and assuming his post.[46] This issue was resolved by appointing Colonel Zakarya al-Shami (the son of Yahya al-Shami, the Houthis' representative to NDC) as a deputy of the Chief of Staff,[47] thereby enabling the Houthis to oversee all decisions taken at the Yemeni army headquarters. In a separate incident, on 16 December 2014, the Houthi military commander, Abu Ali al-Hakim (YEi.002), entered the office of the Governor of Al Hudaydah, Sakher al-Wajeihand, and demanded that he leave his post. Hassan Hayeg was installed as his replacement. This was allegedly because the former governor had refused to have 4,000 Houthi militants on the governorate payroll. The Minister of Local Administration, Abdul Raheem Saief, denounced this Houthi action and considered it illegitimate.[48]

C. Al-Qaida in the Arabian Peninsula

94. AQAP was established in 2009 after the unification of Al-Qaida affiliates in Saudi Arabia and Yemen in response to Al-Qaida's grand strategy to shift to localized jihad. In response to the Arab Spring in 2011, AQAP created Ansar al-Sharia in 2011 to reorient itself locally as a populist movement. According to a senior Yemeni official, Ansar al-Sharia has tried to reach out and win the support of tribes and has enjoyed success with smaller, less resourced tribes, particularly in areas along the southern coast like Ja'ar and Zinjibar, where tribal customs are less important. In 2011, following the withdrawal of Yemen forces loyal to Saleh (elaborated on above in para. 75), Ansar al-Sharia took over the town of Ja'ar and renamed it the Emirate of Waqar. Ansar al-Sharia held this town and four others in Abyan and neighbouring Shabwa provinces for more than a year before being mostly dislodged by the military, although it still maintains a presence in the area.

95. AQAP also maintains a heavy presence in, among other areas, the south-eastern provinces of Abyan, Shabwa, Hadramaut, Ma'rib and Al Bayda, and seeks to carve out an Islamic State based on its ideology and convictions. Hence, anyone with different religious beliefs is a target for the organization. AQAP also assaults public facilities and army outposts, and it rarely engages in direct confrontations, instead mounting hit-and-run attacks, killing its enemies and then claiming responsibility on audiotapes.

96. Many senior Yemeni officials who the Panel met have cited that the main source of AQAP finance came from the payments of ransom for kidnapped foreigners, and from the looting of banks. An incident recounted to the Panel by a senior interlocutor in the south highlights the challenge of combating the provision of funds to AQAP. In mid-2014, a money exchange office in Lowdar district (eastern Abyan province) received a transfer of 400,000 SAR ($110,000) from a money exchange office in Sana'a. That money was allegedly used to pay the salaries

[45] See Ministry of Defence newspaper 26 September: http://www.26sept.info/newspaper/2014/december/1794/7514-7/48455-2014-12-10-16-58-15.html.

[46] See http://almasdaronline.com/article/65281.

[47] See http://almasdaronline.com/article/65846.

[48] See http://almasdaronline.com/article/65450

of local AQAP members, which was investigated by a member of the local office of the National Security Bureau. During the investigation, the investigating officer confronted an AQAP operative withdrawing the funds, and both were killed in the resulting altercation. According to a confidential source, there is no information about the results of any financial investigation to ascertain who deposited the money or made the initial transaction in Sana'a or who organized the transaction.

97. According to a senior military officer, AQAP weapons mainly come from looted military and security premises, for example, from Abyan and Shabwa in the south in 2011, and from Seyoun, Hadramaut, in 2014, in addition to what AQAP can obtain from a diversified open local market.

98. Since the takeover of Sana'a by the Houthis, AQAP has intensified its operations by using a number of significant methods, including:

(i) Assassinating security officers: on 15 October 2014 in Shuaub district of Sana'a, AQAP announced its responsibility for assassinating Colonel Ali Zaid al-Dhari, pointing out that the Colonel had worked as a chief of supply in the Yemeni army and as a leader with the Houthis;[49]

(ii) Using improvised explosive devices to attack army vehicles: on 17 and 22 November 2014 in Hadramaut governorate, improvised explosive devices were used in attacks against army vehicles;

(iii) Using body-borne improvised explosive devices and vehicle-borne improvised explosive devices: on 3 December 2014, next to the residence of the Iranian Ambassador in Haddah diplomatic district, Sana'a, and on 9 October 2014, in Tahrir District, Sana'a, when an explosion took place in front of the Yemeni Construction Bank during the gathering of Houthi supporters, in which more than 47 people, including children, were reportedly killed, while several others were injured;

(iv) Using suicide vehicle-borne improvised explosive devices: on 9 December 2014, in Sayoun district, Hadramaut province, AQAP conducted two suicide vehicle-borne improvised explosive device attacks at a military checkpoint in front of Al Qarn military camp and the First Military Region site, killing six soldiers and wounding eight;

(v) Using light anti-tank weapons: on 25 November 2014, in Ma'rib governorate, AQAP fighters attempted to assassinate the commander of the Third Military Region by shooting a light anti-tank weapons missile at his motorcade, and on 27 September 2014, in Shuaub district, Sana'a, AQAP militants on a motorcycle attacked a security checkpoint near the United States Embassy using a light anti-tank missile, whereby two security soldiers were seriously injured and a military patrol vehicle was seriously damaged.

99. More recently AQAP has been proclaiming itself the defender of the Sunni Yemeni interests by confronting the Zaydi-Shiite Houthi expansion to the west and south of Sana'a and publicizing its determination to defeat the Houthis and send them back to their original home in the north.[50] On 12 November 2014, AQAP released a video interview with its leader Jalal al-Marqishi, also known as Hamza

[49] Confidential source.

[50] http://www.longwarjournal.org/threat-matrix/archives/2014/11/aqap_releases_interview_with_j.php#ixzz3Mxj3flLZ.

al-Zinjibari, in which he discussed current events and the AQAP fight against the Houthi forces. Al Marqishi highlighted the role of Yemen's Sunni tribes in the AQAP war against the Houthis, and the Sunni tribes' momentum of pushing the Houthis out of the Tayfa tribe area of Radaa, and praised those who "fight alongside the *mujahedeen*".

D. Armed tribes

100. There are three major tribal groups in Yemen: the Hashid, the Bakil and the Madhaj confederations. For a number of years, the Hashid tribe, of which former President Saleh is a member, fought alongside the army against the Houthis in the six wars against them in the north of the country (2004-2010). Although it is difficult to quantify the numbers of weapons in the possession of tribes, all are armed with light, medium and, often, heavy weapons, as it is very easy for them to be acquired. Many interlocutors, in personal testimony, revealed that the previous regime in Yemen manipulated the tribal structure for political gains, and took two different approaches to the tribes as a means to consolidate its power: (i) incorporating established sheikhs into its patronage networks and empowering new sheikhs; and (ii) undermining those sheikhs who have been reluctant to take part in political corruption.

101. Some tribal sheikhs revealed to the Panel that tribal rivalries in the country continue, sometimes among themselves and at other times between confederations, leading to violence and fighting. This has been exemplified by the fighting that has been taking place between the Houthi and the tribes affiliated with the Islah party in Ma'rib, Al Bayda, Radaa and Taiz, and which recently involved the Houthis and their affiliates on the one side, and the Sunni-Shafi tribes, on the other. Other examples are the ongoing Houthi conflict with the Tehamah tribes in Al Hudaydah and with the Arhab tribes.

IV. Acts that threaten the peace, security or stability of Yemen

102. In March 2014 violent clashes erupted between the Houthis, which were reinforced by allied tribal fighters and elements of the old regime, and with Government forces, tribal fighters affiliated with the Islah party and elements of AQAP (Ibb, Al Hudaydah and Al-Bayda) and Al Hirak/Al Tehami (Al Hudaydah).

103. The Panel has received numerous eyewitness accounts and other documentary evidence regarding violations of international humanitarian law committed by the Houthi forces and their military leaders. Interlocutors have provided information related to the killing of civilians, unlawful detention and the systematic looting and destruction of private property. The military use of schools and health-care facilities by the warring factions, including as firing positions and barracks, remains a concern. Throughout the period of the mandate of the Panel, schools and hospitals were damaged in cross-fire and indiscriminate air or artillery shelling by the Houthis, Ansar al-Sharia and Government armed forces, severely affecting children's right to access education. The Panel reviewed videos documenting some of these actions undertaken by Houthi forces between March and September 2014. Reports and documentary evidence include incidents in Hamdan, Amran city and Sana'a.

A. Case: Hamdan

104. The Hamdan district, located in Sana'a governorate,[51] was of strategic importance for the takeover of Amran and control of Sana'a airport, as it is located on the route between Amran and Al Hudaydah, around 10 kilometres from the city of Amran. By taking over that district, the Houthis were able to encircle Amran from the south and control the northern access to Sana'a, as well as block any support from Sana'a to Amran. In personal testimony to the Panel, several interlocutors reported two attacks by Houthi forces on Hamdan on 8 March and 2 June 2014. Houthis were reinforced with loyal local tribes from the district (according to eyewitnesses, between 1,000 and 2,000 armed men) who entered the area with heavy weapons.

105. On 13 March 2014, the Houthis and the Hamdan tribal sheikhs signed a ceasefire agreement that stipulated the following:

- That the tribes coexist with Ansar Allah (Houthis) in peace and harmony, pledging cooperation and respect;
- That the Houthis pledge not to launch military aggressions against the tribes of Hamdan;
- That Hamdan sheikhs and notables should prevent the blocking of roads and assaults on Houthis;
- That they (the tribes) should not allow any aggression to be launched from their own areas against *mujahedeen* (Houthis) and vice versa;
- That Hamdan sheikhs and dignitaries should vow not to assault any of their fellow tribesmen joining in the Quran march;
- That Hamdan sheikhs should not obstruct any peaceful cultural activities undertaken by the Houthis in their areas.[52]

106. The truce did not last long and fighting continued until 4 June 2014, when Minister of Defence Mohammad Nasser Ahmad brokered a new ceasefire agreement between the Houthis and the tribes in Hamdan and Amran. Like the previous truce, this one also did not last, and fighting continued until the Houthi takeover of both Hamdan and Amran in late June and early July, respectively.

107. According to eyewitness reports from the area, Houthi forces occupied, destroyed and looted private houses,[53] mosques and schools. The Houthis reportedly took positions in the health centre in the village of Dharhan, causing damage to the infrastructure and the medical equipment. According to an NGO survery on file with the Panel, after the occupation, the medical centre could no longer provide its services to the population.

108. In the course of both incidents, more than 30 persons were killed on the side of the attacked. One source lists 35 civilians killed as a result of the Houthi attacks of

[51] Hamdan district is the largest district in the Sana'a governorate. According to the census of 2004, the population stood at 111,141.

[52] "Armed groups and their threat to the peaceful transition of power in Yemen", Wethaq Foundation for Civil Orientation (June, 2014).

[53] According to personal testimony and documentary evidence received by the Panel, 14 private houses were destroyed and belongings looted.

March and June 2014.[54] The same source reported mutilations of dead bodies by Houthi fighters (information not corroborated by the Panel). According to the Panel's interlocutors, most of the victims were men, as the women and children were evacuated before the attack.

109. The interlocutors and eyewitnesses of the Hamdan incident reported the presence of the Houthi military commander Abdullah Yahya Al Hakim and two other Houthi fighters during these operations.[55] Tribal sheikhs had tried to negotiate peace with Al Hakim, whom they considered to be in charge of the area and responsible for the military operations.

110. In a complaint submitted to the Hamdan District Police, which is on file with the Panel, witnesses of a Houthi attack on a village of Hamdan in March 2014 provided a detailed account of the looting and destruction of private houses by Houthi forces. According to these witness statements, houses were emptied before they were destroyed and neighbours warned prior to the attack. The same witnesses provided the names of 15 Houthi fighters allegedly involved in these events. They reported that Houthi forces entered with about 50 vehicles equipped with Houthi flags and various light, medium and heavy weapons.

B. Case: Amran

111. With the takeover of Amran on 8 July by Houthi forces (see annex III), the Houthis occupied government infrastructure and set up courts and prisons. They have effectively taken over government functions and powers by placing their affiliates in key positions or exercising pressure on government officials.

112. The case of the takeover of Amran City is a good example of the strength of the alliances forged by the Houthis, tribes and former President Saleh. The takeover was contrived, planned and executed in a three-phase plan over several months. In the course of the armed conflict, tribal fighters gradually reinforced Houthi forces, and several interlocutors confirmed to the Panel how some members of local tribes were fighting under the command and control of the Houthis.[56]

113. In April 2014, President Hadi sent a delegation to Abdul Malik al-Houthi to address the ongoing violence and to discuss implementing the NDC outcomes, including disarmament and reintegration of Houthi fighters. The delegation also presented additional requests not covered by NDC, including that the Houthis form a political party. According to a confidential source, no agreement was reached on specifics, but renewed violence, especially in Amran, threatened the nascent talks.

114. According to a senior military officer, in May 2014, fighting intensified between the Houthis and the 310th Armoured Brigade, supported by the Islah party and tribesmen aligned with Al Ahmar; and in June, in a significant escalation, the

[54] The same source lists the names of 16 civilians killed in the attacks between 8 and 10 March, and 18 civilians killed during the attacks of 2 June to 12 July. According to these records, 53 were injured in total.

[55] Names on file with Panel.

[56] For example, an ethnic Houthi individual from Amran reported to the Panel how he was put under pressure to ally himself with the Houthi forces (which he refused) by armed individuals who revealed themselves as non-Houthi tribal fighters allied with the Houthis.

Yemeni Air Force bombed Houthi positions.[57] On 2 June 2014, armed Houthi forces stormed the Amran Central Prison and released over 450 prisoners. They also seized military equipment, including heavy weapons,[58] and detained and abducted 30 guards.[59] A group of 52 women prisoners were loaded on trucks and allegedly brought to Sa'ada. The Panel has no further information regarding their whereabouts.[60]

115. Negotiators, including the Minister of Defence, succeeded in brokering a six-point ceasefire agreement on 4 June 2014 between the security services and the Houthis in Amran.[61] According to personal testimony given to the Panel, the truce did not last, and Houthi forces allegedly violated the ceasefire on 14 June by attacking military sites in Mount Dayn and then the 310th Armoured Brigade positions.

116. Clashes spread and continued between Houthi militants and the 310th Armoured Brigade supported by Islah tribesmen, but it was not enough to stop the Houthis' advance. According to a senior Yemeni official, four battalions of the sixth military district (northern part of Yemen) and four battalions from Sana'a were sent to open the Amran road, break the siege and support the 310th Armoured Brigade in Amran, but the battalions stopped before reaching Amran and refused to fight. It has been reported to the Panel that an order came from the Republican Guards to other army units not to fight with the Islah party against the Houthis in Amran, and they subsequently overran the city on 8 July 2014.

117. During the attack on 8 July 2014, the Houthi forces took complete control of the city. The Yemeni Supreme Security Council confirmed that the Houthis also attacked the base of the 310th Armoured Brigade and other military and government facilities in the city, looting weapons and equipment (see annex III).

118. On 9 July, the Yemeni Supreme Security Council released a statement holding the Houthis responsible for breaking the previous Amran ceasefire and demanding that the Houthis remove all their fighters from Amran. Immediately after, President Hadi issued a statement calling for the immediate withdrawal of Houthi forces from Amran and for them to leave behind all military weapons that had been looted. The Houthis did not comply with any of the President's orders.

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[57] See "Yemeni airstrike ends ceasefire in flare-up of Houthi rebellion", *Reuters*, 3 June 2014.

[58] Inventory on file with the Panel.

[59] See Report on Houthi activities in Amran between 21 May 2014 and 2 July 2014, prepared by the Amran Security Forces Joint Operational Office", a governmental coordination body comprised of several security and military services and units; corroborated by the oral testimony of an interlocutor.

[60] The Panel was provided with a photo showing pickup trucks loaded with women. The Panel was unable to corroborate this, but has shared this information with partners on the ground.

[61] 1. An immediate ceasefire will commence mid-day in all conflict areas of Amran; 2. No party will mobilize reinforcements; 3. Neutral military observers will be deployed to the area to oversee the ceasefire and implementation by all sides; 4. The Houthis will withdraw from the Central Prison in Amran [which they captured during the fighting, releasing hundreds of prisoners] and allow military police to take control; 5. Parties will unblock the main access road between Amran and Sanaa and the military police will take responsibility for security along the road; 6. The Defense Minister will oversee a committee — comprised of four top military-security officials, three Houthis, three Islah party leaders and a United Nations representative — charged with implementing the agreement.

119. The strategic implication of the takeover of Amran by the Houthis was most significant for the provinces of Al Jawf, Hajjah, Dhamar, Ma'rib and Sana'a. In addition, the Houthis altered the balance of power and reshuffled the political landscape in Yemen against which NDC was built and conducted, and raised doubts about whether its outcomes were still valid and relevant. It exposed the schisms in the Yemeni army and security institutions and their command, control and efficiency.

120. According to United Nations sources, the fighting in Amran resulted in 204 casualties (civilian and military). The Office of the United Nations High Commissioner of Human Rights (OHCHR) verified 27 killings of civilians during the armed conflict in Amran, though it did not specify the perpetrators in all of the cases. The Panel received uncorroborated eyewitness accounts of the killing of at least three civilian persons and one member of the 310th Armoured Brigade hors de combat by Houthis. A prominent case was the killing of Brigadier General Hamid al-Qushaibi, a commander who fought against the Houthis during the six wars. The Panel received allegations in personal testimony that he was not killed during the fighting, but was captured and executed by Houthis after cessation of combat. The Panel is in possession of his autopsy report confirming more than 80 gunshot wounds. The Panel has not been able to corroborate the exact circumstances of his death and police investigations are ongoing in the case.

121. Schools appeared to be a target of Houthi forces during their takeover of territory in Amran governorate. The focus of interlocutors' reports to the Panel was generally on the use of school buildings for military purposes and the consequent inability of a great number of children to attend school, rather than the intentional destruction of the building (with the exception of Sunni madrasas). The Houthis did not seem to target the children attending the schools. In some instances, the Panel was informed that they had issued warnings prior to attack and allowed for evacuation of the children. Houthis used schools as barracks, as they strategically positioned themselves against the 310th Armoured Brigade. Several sources indicated the occupation of over 20 schools and the destruction of over 30 as a consequence of the conflict.[62] OHCHR has reported on 24 schools that were occupied by the Houthis in Amran.

122. A group of interlocutors further reported on the killing of two teachers in Radwa (Damar governorate) and the conversion of many schools into storage depots for weapons, including (a) schools in Sarara in the Eyal Yazeed district; (b) Falah School in Wala Rayda district; (c) Al Khansa School for girls in Al Ghoula; (d) Najar School for boys in Al Ghoula; and (e) Al Shaheed School in Masar in Zayfan district.

123. According to evidence collected by the Panel, on 9 March 2014, Houthi forces occupied the Tarek Bin Ziad boarding school in Al Sraem, Thala district, Amran governorate. They looted its inventory and destroyed the school, as well as the neighbouring Koran school. The armed Houthi fighters then went on to kill the director of the school and two neighbours.[63] According to eyewitness statements, when asked why they had destroyed the school, the armed men stated that they had done so because it "was doing harm". The Panel was provided a formal complaint

[62] The Panel also received a report of the Ministry of Education mapping all schools in Yemen that were affected by violent acts and armed conflict between January 2011 and July 2014.

[63] Names on file with the Panel.

by members of the community addressed to the Minister of the Interior Abdu Hassan al-Tarb, as well as other documentary evidence on this incident. None of the oral or documentary evidence reveals the names of the perpetrators.

124. The Panel obtained information[64] on attacks against health facilities and personnel in Amran. During their takeover of government offices and public institutions, the Houthis reportedly invaded the Amran Health Office. The General Hospital of Amran was also handed over to Houthis on 7 July 2014. On 8 July 2014, Houthi fighters arrested several wounded individuals in the Amran General Hospital and took them to an unknown location. On 24 June 2014, the Houthis also seized an ambulance and kidnapped several health workers. They were released three days later.

125. Political opponents were detained and confined by Houthis in improvised prisons following their takeover of Amran governorate. Several interlocutors reported to the Panel on the transformation of the Amran sports stadium, Al Mala'ab, into a detention facility by the Houthis. Private houses were also used as detention facilities. The Panel has knowledge of a case of detention of a 15-year-old boy and his father in the sports stadium on 25 August 2014. The minor was accused of scratching the Ansar Allah logo from a wall in the city of Amran; the father did not know the reason for his own detention other than that he was searching for his son.[65] Eyewitnesses also reported to the Panel that at least two schools and the Amran Local Council Office were turned into detention facilities. For example, in mid-June Al Eman School, a mixed primary and secondary school in the Iyal Souraih district of Amran, was occupied and used as a detention facility. The school was subsequently handed back to the Government in August, as were other public facilities that had been occupied at the beginning of the takeover of Amran in July.

126. At the time of reporting in January 2015, Houthi-controlled unofficial detention facilities continue to exist, while the Houthi-controlled government of Amran prepares for the repair of the Central Prison, which was damaged during the armed conflict. At least 18 civilians were in captivity at the time of writing the present report. The Panel has not obtained information on the conditions of their captivity.

127. According to witness statements received, the Houthis looted the United Nations premises in Amran governorate, as well as several NGO offices in Amran. In one of the cases, Houthis accused an NGO of being affiliated with the Islah party, hence an enemy of the Houthis. These actions are part of the Houthi strategy to expand influence and control of all resources and institutions in the area, including humanitarian aid, which constitutes a key resource in the impoverished governorate.

128. Before and after the takeover of Amran, Houthi forces systematically destroyed the houses of political enemies, particularly individuals affiliated with the Islah party, and members of tribes refusing to collaborate with them.[66] Most of the targeted individuals and their families were subsequently forced to leave Amran for

[64] OHCHR report of 21 July 2014.

[65] E-mail in possession of the Panel from a source; confirmed by an international organization. For the release of both persons, the Houthis allegedly requested a guarantee from the son that he would stop his actions.

[66] Personal testimony to the Panel and reports by local NGOs on file with the Panel.

Sana'a. With that strategy in place, the Houthis were able to gradually expel their political opponents from "their territories". For example, interlocutors reported that on 5 May 2014, Houthi forces targeted several houses in the area of Al Jannat, Amran. The Panel was further shown a video of the complete destruction of an interlocutor's home in Amran governorate and other photographs and reports of the destruction of private properties. According to eyewitness accounts and reports of local NGOs, Houthis used mines for the destruction of the buildings. Some reports mention that the Houthis warned the local population before activating the explosives.[67]

129. During the most intensive phase of fighting in Amran governorate between April and July 2014, an estimated 45,000 persons were displaced.[68] Most internally displaced persons (IDPs) went to Sana'a.[69]

C. Case: Sana'a

130. Following the Houthi takeover of Amran, the Houthi plan to take over Sana'a was carried out in three stages: encircling Sana'a, entering Sana'a, using protests against the halt in fuel subsidy as a pretext, and occupying Sana'a by force and deception. The Houthi plan to take over Sana'a was being formulated and executed while the Houthis were advancing in Amran by simultaneously encircling Sana'a through Hamdan District in the west, Arhab in the north, Ma'rib in the east and Al Gayle in Al Jawf province in the north-east, using the tactic of combining violent attacks with strategic ceasefires or truce agreements (see annex III).

131. On 18 August 2014, Abdul Malik al-Houthi issued a statement regarding the ongoing fuel subsidy protests in Sana'a, encouraging people to protest against the lack of reforms by the Yemeni Government, and issuing an ultimatum for the Government to review its policies. This was the first phase of a three-phase plan of escalation that Abdul Malik al-Houthi initiated. The second and third phases followed his television appearance delivering speeches on 22 August 2014 and 8 September 2014, respectively. This plan resulted in the Houthi protesters and their tribal allies, including GPC affiliates, storming Sana'a and setting up sit-in camps near its entry points,[70] rallying in its streets and thereby paralysing normal activities.

132. As at 7 September 2014, the demonstrators had closed off the roads to Sana'a International Airport and various Government ministries, and had also blocked the roads to Taiz, Amran and Hudaydah. This led to the first conflict with the army, which moved to open these roads; there were subsequent violent clashes that erupted and spread from the vicinity of the office of the Prime Minister to the State television headquarters, the first armoured division camp, Al Iman University and the military camps in the proximity of Shamlan and Hezyaz districts.

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[67] Witness statement in a police record on file with the Panel.

[68] Office for the Coordination of Humanitarian Affairs, "Yemen: Amran conflict", Amran Emergency Situaton Report, No. 6, 16 July 2014.

[69] The Executive Unit for Managing IDP Camps counted 1,931 internally displaced persons households from Amran in Sana'a.

[70] Sit-ins and camps to gather demonstrators were at Bani Naim, Bani Harith, Al-Soubaha, Hezyaz, and Al-Tahrir Square.

133. Interlocutors revealed in personal testimony that on 21 September 2014, the Houthis had received explicit help from the Republican Guards organized by members of the Saleh family, which facilitated their invasion of Sana'a and control of multiple Government buildings and ministries, including the Army Command Centre and the State television headquarters. Additionally, militants attacked and looted the residences of Major General Ali Mohsen al-Ahmar and leaders of the Islah party, and imposed a blockade on the Yemeni National Security Agency building in Sana'a. The next day, Houthi forces were deployed in the capital city to establish security checkpoints and patrol the streets in army vehicles, with only limited presence of security forces. According to a confidential source, to date they have refused to turn over looted Government weapons and equipment and are controlling all the key functions of the Government through the use of "revolutionary" and "popular" committees.

134. Sana'a was guarded by no less than 100,000 Republican Guards and Reserve Forces, most of them loyal to the former president, and there is little doubt that the speed of the Houthi takeover of Sana'a was due in large part to their complicity. Many informed interlocutors and open source media reported that Ahmad Ali Saleh was in constant contact with Republican Guard officers to assist the Houthis.[71] It was also reported by a confidential source that Major General Mahdi Makwala and Major General Ali Jaifi (Commander of Reserve Forces) were helping the Houthis on behalf of Ali Abdullah Saleh. One interlocutor, in personal testimony, also alleged that Makwala's son, a Republican Guard officer, was seen fighting alongside Houthi forces wearing civilian clothes.

135. Defence Minister Mahmoud al-Subaihi recently publicly accused certain army chiefs of betrayal and collusion with the armed militias and of preventing the armed forces from performing their duties. In a speech before military units on 27 November 2014, Minister Al-Subaihi said the new leadership of the Defence Ministry is giving top priority to addressing the setbacks of the armed forces, including the "humiliations they have suffered".[72]

136. The fall of Sana'a underlines the Houthis' expansion strategy that began in Sa'ada, Hajjah and Amran, and continues with armed operations in Al Jawf, Ma'rib, Al Bayda, Ibb and Taiz provinces and reveals that the Houthis have been pursuing an objective of having decisive control in the decision-making process in Yemen, and becoming a dominant power centre in the country.

[71] Personal testimony revealed that Lieutenant Colonel Makwala, of the Republic Guards and son of Major General Mahdi Al Makwala, was captured while fighting with Houthis.

[72] See http://almasdaronline.com/article/64710; "Al-Subaihi slams army chiefs, Houthi militas", Yemen Post, 28 November 2014, and http://26sept.net.

137. The Houthis and their allies[73] have systematically taken over public buildings, including ministries, universities, schools and the premises of media outlets. According to the findings of OHCHR, between 18 and 26 September, 32 public institutions and civil society organizations were targeted by Houthi forces (occupied and sometimes looted).

138. According to the Ministry of Public Health and Population, 247 persons were killed and 470 injured (civilians and combatants), including 116 civilians, during the Houthi takeover of Sana. According to the United Nations task force on documentation of grave violations against children, at least 9 boys were killed and more than 25 children maimed as a consequence of the armed conflict. On 9 October, a suicide attack against a Houthi gathering in Tahrir Square resulted in 53 persons killed, including 9 children, and 83 injured, including 10 children. AQAP declared responsibility for the attack.

139. The Ministry of Education reported that at least 51 schools had been affected by the violence and children had been prevented from attending classes, including 15 schools that were used for military purposes by the conflicting parties. On 11 October, the Ministry of Education reported that all the schools had been evacuated and returned to civilian authorities. These Government statistics do not reveal the identity of the militants occupying the schools. However, it has been confirmed by various sources that Houthis occupied a number of schools.[74]

140. The Panel has received numerous accounts of detentions by Houthis in Sana'a, which mostly concerned persons affiliated with the Islah party. According to OHCHR, during the conflict, 19 persons were detained in unofficial detention facilities on the basis that they were affiliated with the Islah party. All of them have since been released. In total, at least 124 civilians, including minors (young men), have been unlawfully detained by the Houthis in Amran and Sana'a since July 2014. According to one source, there is a pattern of detention by the Houthis and their "Popular Committees" with the purpose of checking the affiliation of men between the ages of 15 and 60. Most of these individuals were released shortly after having been detained.[75] However, there are allegations, made in personal testimony, that some important captives were brought to Sa'ada. The Panel was unable to verify that information or document individual cases.

141. A pattern of occupation of private homes of political enemies of the Houthi, in particular persons affiliated with the Islah party, could be observed in Sana'a. According to a United Nations assessment, a total of 32 houses were targeted. Among many others, the houses of the Al Ahmar family, the home of General Ali Mohsen and the house of a prominent activist affiliated with the Islah party were occupied and later vacated. According to information received, including from a

[73] According to local sources, eyewitness statements and the Panel's own onsite observations Houthis managed to win broad armed and non-armed support among the local population. In preparation of the takeover of Sana'a they brought large numbers of armed supporters to the capital. Many Houthi checkpoints are manned by local people from Sana'a, so-called popular committees.

[74] The Houthi spokesperson Ali al-Bokhaiti told Human Rights Watch that the Houthis used the schools as shelters for their fighters from outside Sana'a.

[75] According to the political office of Ansar Allah based in Sana'a, some of the individuals detained by the "Popular Committee" were turned over to the Yemeni authority after a brief examination.

source directly confirmed, the houses were not systematically looted or destroyed. The Panel has been told by a source that when leaving the properties, the Houthis would make the owners sign a handover document confirming that the property was complete and undamaged.

D. Case: Al Hudaydah, Al Bayda and Ibb

142. After the fall of Sana'a, Houthi forces captured the port city of Al Hudaydah on 15 October 2014. At the time of reporting, they were in control of the seashore extending to the south-west coast of Ras Isa. This is of strategic significance because of its proximity to the Bab el-Mandab Strait. The western shore of Yemen is also contiguous to the western coast of Saudi Arabia.[76] Egyptian and Saudi concerns over the Houthi takeover of Al Hudaydah are growing, given the Houthi push further into Taiz province near this strait.[77]

143. The Houthi expansion to the west and south of Sana'a (see annex III) has exacerbated sectarian tensions and led to greater sympathy of Sunni tribes for AQAP, particularly in the provinces of Ibb and Al Bayda, where some local tribes have openly allied with them. In Radaa, a district of Al Bayda province, Sunni tribesmen who fought against AQAP two years ago are now allied with AQAP out of sectarian solidarity. There has been heavy fighting with Houthi forces in these areas following the Houthi advance in mid-October. The Houthis stated that their advance into these areas was a reaction to the suicide bombing in Sana'a of 9 October 2014, in which 47 people were killed, including civilians and Houthi fighters.[78]

144. On 16 December 2014, a group of armed militants affiliated with the Houthi forces invaded the Office of the Governor in Al Hudaydah and forcibly appointed a new Governor. Following their takeover of Al Hudaydah, Houthi forces gradually invaded Ibb governorate and encountered resistance from some local tribes and AQAP. According to a confidential source, they gained control of Ibb by 5 November 2014. Houthi forces further spread into the hills surrounding the airport in Taiz during November and December 2014. They continued their strategy of destroying their enemies' homes and forcibly displacing those who refused to cooperate. Concurrent to that, resistance by AQAP and their growing number of tribal affiliates increased. AQAP militants' targeted civilians allegedly affiliated with the Houthis and attacked them in public and in private, in their homes.

E. Acts of infrastructure sabotage

145. Taking advantage of the general lack of security and control by the State, armed tribesmen in Ma'rib governorate to the east of Sana'a have demanded a greater share of the country's oil revenues and have attacked the country's main oil pipeline on a number of occasions with relative impunity. These attacks resulted in the halting of oil deliveries to Al Hudaydah and other oil export terminals on the Red Sea, fuel shortages, increased fuel prices across the country and diminished

[76] See www.al-monitor.com/pulse/originals/2014/12/houthis-yemen-iran-islamic-jihad-palestine-israel-red-sea.html.

[77] See www.ft.com/intl/cms/s/0/444765c0-59dc-11e4-9787-00144feab7de.html#axzz3MW2VLAtS.

[78] See www.trust.org/item/20141108085925-dsyul/?source=jtOtherNews1.

export earnings to the detriment of the Government revenues. Many Government officials informed the Panel that tribesmen carry out such attacks in order to pressure the Government to create jobs, release their relatives from prison or settle land disputes. A confidential source provided the Panel with a list of sabotage incidents issued by Safer, the State-run oil company, which includes names of perpetrators, how the acts were committed and an assessment of the damage inflicted.[79]

146. Such sabotage attacks have become more frequent, more regular and better organized since President Saleh stepped down from office in 2011.[80] It is clear that those seeking to derail the NDC outcomes encourage or support such practices. The attacks on oil and gas sector infrastructure have taken many forms. These have included excavating around oil and gas pipelines and using explosives to blow them up; cutting gas and petroleum product supply lines; hijacking tankers; preventing engineering teams from servicing gas and oil pipelines; sabotaging pipelines; and causing political unrest with a view to undermining security and creating an environment that allows terrorists associated with Al-Qaida to expand their activities and perpetrate terrorist attacks against vital State facilities, including oil and gas sector infrastructure. The Panel will further investigate parties supporting the hijackers and saboteurs. Thus far, it appears that the attacks are carried out using rifles, rocket-propelled grenades and other weapons. Once the attacks are concluded, the saboteurs remain in the locality and on roads leading to the site to attack repair crews, preventing them from reaching their destination and causing further damage.

147. In 2013, the electricity network was the target of 144 acts of sabotage, with 131 attacks (91 per cent) taking place in Ma'rib governorate. The Government of Yemen informed the Panel that 105 persons had been charged with sabotaging the electricity network in 2011 and 2012. The Office of the Public Prosecutor has also tried 76 perpetrators. The Panel intends to further follow up with the Government on these cases.

F. Arms

148. Estimates reiterated by sheikhs, Government officials and independent researchers put the number of serviceable weapons in Yemen at between 40 million and 60 million, a number repeated by international organizations such as the United Nations.[81] The widespread availability of all kinds of weapons in Yemen is not only a domestic issue that jeopardizes the peace, security and stability of Yemen; it is also one that extends beyond its borders. A report submitted to the Security Council in November 2003 (S/2003/223) named Yemen as the chief source of weapons to a number of East African and Horn of Africa countries, including Kenya and Ethiopia.

149. The most important arms markets are located at Suq al-Talh, 12 km north of Sa'ada and 242 km north of the capital, and at Suq Juhainah, 25 km outside Sana'a

[79] The Panel continues to investigate and track similar acts.

[80] The Government of Yemen responded to the inquiries of the Panel noting that, in addition to sabotage, additional reasons for the ongoing shortage of petroleum products included corruption, systematic looting of petroleum products, monopolies established by prominent traders in order to speculate on petroleum products or sell them on the black market, and the systematic hijacking of oil tankers by armed groups in a number of governorates.

[81] See "Weapons in Yemen", *IRIN Films* (United Nations) (2007).

and 6 km away from Sanhan, the hometown of former President Saleh. According to confidential information provided by a Member State, there are three other regional markets, located in Dhamar, Al Baydah and Abyan. Several tribal sheikhs and interlocutors revealed that the markets operate like a grocery store. A customer is not required to present identification to purchase any kinds of weapons, including small handguns, AK-47s, rocket-propelled grenades, machine guns and anti-aircraft Sam 7 missiles. The recent conflicts in the country have resulted in increased demand and a rise in prices. According to reports, hand grenades used to cost $5, handguns $150 and AK-47s around $100, but prices have increased around eightfold.[82]

150. The Yemeni army is another source of arms in Yemen. The Houthis frequently looted Government stores during the six wars between 2004 and 2010. More recently, they have also looted and captured medium and light weapons, ammunition and armoured vehicles, including tanks from the 310th Armoured Brigade during the battles for Amran, and in Sana'a from the army headquarters and army units protecting the area surrounding the State television station.[83] During President Saleh's tenure, an enormous amount of arms and ammunition were delivered to the Republican Guards, then led by his son, Ahmad Ali Saleh, which remain unaccounted for (see para. 78 above). Official records also show that when Ahmad Ali Saleh was relieved from his post, a number of weapons that were delivered to the Republican Guards were missing (see para. 78). Some interlocutors believe that the Houthis used these same weapons in their takeover of Sana'a.

151. The land and coastal borders of Yemen pose a challenge to Government efforts to limit the flow of weapons in and out of the country. Yemen's border with Saudi Arabia is 1,458 km long and runs through the Empty Quarter, an area that is nearly devoid of inhabitants and permanent settlements. The Saudi Governor of Jizan, Prince Mohammed bin Nasser bin Abdul-Aziz, complained publicly in August 2003 that Saudi authorities captured Yemeni arms smugglers on an hourly basis.[84] With its limited resources, patrolling such an area is not an easy task for the Yemeni Government. Yemen's coastline is nearly 2,000 km long and the Yemeni coast guard would benefit from additional resources. The Yemeni Coast Guard Authority was created in 2002 by a decree issued by former President Ali Abdullah Saleh following the attacks on the *USS Cole* and a French oil tanker off the coast of Aden in 2000 and 2001, respectively. According to a report citing an engineer in the Yemeni Coast Guard, the Coast Guard is unable to tackle the security challenges facing the Government and its marine forces are comprised of 15 vessels, of which only 9 are fully functional and only 2 are capable of sailing in deep waters.[85]

152. The porous borders have been used by a wide range of actors engaged in acts that threaten the peace, security or stability of Yemen. Somali militants have regularly travelled to Yemen to fight alongside AQAP. Illegal immigration from several countries in Africa by human traffickers, smugglers and piracy also pose a challenge.

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[82] See the video tapes by BBC and Al Jazeera on Yemen's arms market with live interviews — (BBC) Jahana market 2009; (Al Jazeera) Jahana market 2012; (Al Jazeera) Dhamar market, April 2014.

[83] Confidential influential source revealed that Houthis looted in September during their takeover of Sanaa: 15 tanks from the television building and 30 tanks from army headquarters, besides an unknown numbers of medium and light weapons, ammunition and armoured vehicles.

[84] See www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=471#.VJJXtdKUeSo.

[85] See www.yementimes.com/en/1575/news/883/Yemen-Coasts-without-Protection.htm.

153. With the assistance of international partners, the Yemeni Coast Guard was involved in the interdiction and search of the vessel *Jihan* on 23 January 2013, which was carrying Iranian-made arms and related materiel. According to senior Yemeni Government officials, the vessel's cargo was bound for Sa'ada. The Panel has been unable to independently confirm this allegation. The cargo included 16,723 blocks of C-4 explosives, 133 plastic containers of RDX powder explosives, 10 man-portable air defence system type 9M32M, 62,040 rounds of 12.7-mm ammunition, 316,000 rounds of 7.62-mm ammunition, 100 rocket-propelled grenades, 18 Katyousha rockets (122-mm), 17 aiming equipment, 1,615 boxes connected with improvised explosive devices and relevant electrical equipment, 10 laser rangefinders LH80A, 48 night vision goggles, 5 long range binoculars with mounts, 90 lensatic compasses, 66 silencers and 800 electric detonators. The volume and type of arms in the shipment would have significantly empowered its recipients.

154. According to a senior Yemeni official, despite official accusations about the involvement of the Islamic Republic of Iran in this case, and the subsequent denials of both the Islamic Republic of Iran and the Houthis of any involvement, upon the Houthi takeover of Sana'a on 21 September 2014, all the detainees reportedly related to the incident, including eight Yemeni crew members, two Hezbollah members and three IRGC personnel, were released on 25 September from a prison in Sana'a.

155. Fares Mana'a, the Houthi-appointed Sa'ada Governor, is an arms dealer and weapons smuggler who is currently sanctioned by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009).[86] The List of Individuals Identified Pursuant to Paragraph 8 of Resolution 1844 (2008) states that there are unconfirmed reports that Fares Mana'a has participated in illegal arms shipments to Somalia on numerous occasions. He was reportedly involved in weapons contracts from eastern Europe in 2004. He also reportedly offered to purchase arms in 2003 from eastern Europe. He has been on a blacklist of the Government of Yemen that includes 19 other arms dealer since 2009. He has also been described as one of the 10 most notorious arms dealers in modern history.[87]

G. Child soldiers

156. Several eyewitnesses to the armed conflict in Amran and a Member State reported on the use of child soldiers by Houthi forces. Among the evidence gathered by the Panel are pictures of armed children allegedly associated with the Houthi forces. Throughout the reporting period, the United Nations in Yemen verified several incidents of children carrying weapons and manning Houthi checkpoints. There are also documented cases of children injured during hostilities who reported their association with the Houthis. An official report on Houthi activities in Amran between 21 May and 2 July 2014, prepared by the Amran Security Forces Joint Operational Office, states that the Houthis were forcing children to fight, and that families that did not send their children to fight had to pay 20,000 Yemeni rials

[86] See www.un.org/ar/sc/committees/751/pdf/1844%20list%2024%20August%202012.pdf.

[87] See www.businesspundit.com/10-most-notorious-arms-dealers-in-modern-history/.

(approximately $93).[88] Children also continue to be observed at checkpoints manned by Government forces.[89]

157. After the September takeover of Sana'a by the Houthis, eyewitnesses have continuously reported that soldiers under the age of 18 man checkpoints and ride in army vehicles to patrol the city. According to the Panel's sources, these children are associated with Houthi forces and popular committees under the command control of the Houthis. A reliable source told the Panel that her organization had received information from a doctor in a private Houthi hospital that a wounded minor fighter injured in hostilities had been treated there. According to information received from an international NGO, Houthis claim that these child soldiers are sent by loyal tribes and do not belong to the core Houthi armed units. In Al Bayda, children were seen hiding after sunset in order to avoid harassment by armed groups.

158. The recruitment and use of children is a widespread phenomenon not limited to the Houthis. Currently, the parties listed for this grave violation in the annexes of the annual report of the Secretary-General on children and armed conflict pursuant to Security Council resolution 1379 (2001) include the Houthis, Ansar al-Sharia and Government forces, including the First Armoured Division, military police, the special security forces, the Republican Guards and pro-Government militia. In May 2014, the Government of Yemen signed an action plan to end recruitment and use of children by armed forces.[90] Despite an increasingly volatile political and security situation, the United Nations also continued to engage with the Houthis on a similar action plan.

H. Gender-specific violence

159. Despite making inquiries, the Panel received little relevant and concrete information on gender-specific violence, including sexual violence.

160. The Panel was informed about so-called marriage tents arranged in the AQAP camp during the 2012 occupation of Abyan by AQAP, and of cases of very young girls being forced to marry AQAP fighters at the camp. According to interlocutors, AQAP continues to use marriage to strengthen ties with the local community. Often, high bride prices provide additional incentive to the impoverished families. Sometimes girls are given away as gifts to AQAP.

161. When the Panel addressed the question of sexual violence in the armed conflicts under investigation, it was informed by both male and female interlocutors that tribal laws strictly prohibit any such crime against women and girls. The Panel is not convinced that the lack of availability of data means the absence of conflict-related sexual violence against women and girls.[91] Rather, it is suggested that the issue is hidden due to social conventions around the topic in Yemen. Further efforts must be undertaken to tackle the issue.

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[88] Report on Houthi activities in Amran between 21 May 2014 and 2 July 2014, prepared by the Amran Security Forces Joint Operational Office, a governmental coordination body comprised of several security and military services and units.

[89] See http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20SitRep%20November%202014.pdf.

[90] See www.unicef.org/media/media_73490.html.

[91] This form of conflict-related violence can also concern men and boys.

I. The land issue in the south of Yemen

162. The land issue in the south of Yemen is a key issue for Yemen's political transition, and it was recognized as such in the NDC outcomes. It is a multi-layered and highly complex problem, as claims go back to the 1970s, when nationalization of private property was part of the constitutional policy of the People's Democratic Republic of Yemen. Today, many tracts of land have several claimants, which makes ascertaining legitimate ownership difficult. Due to the land's economic value, the issue contributes to power struggles. To date, the Panel could not identify any concrete cases showing spoiler activities related to this phenomenon. Given the importance of the issue for the peace, security and stability of Yemen, property disputes will be further investigated in any future Panel mandate.

163. During its visit to Aden in October 2014, the Panel received a number of complaints on land issues. Many interlocutors stated that the Commission on Land Issues[92] was dysfunctional or worked too slowly.[93] Some made allegations of corruption and some cited a lack of political will as obstacles to the implementation of this NDC outcome. International organizations confirm lack of political support as one of the obstacles (at the time of reporting, none of the recommendations issued by the Land Commission had been implemented by the current government of President Hadi). Notably, the Prime Minister chairs the Compensation Fund,[94] while the Fund's Steering Committee consists of members of the Government. Thus, it is not an independent body.

164. One interlocutor reported on illegal occupation of his land by armed persons allegedly sent by a member of a local council.[95] They occupied his land in September 2013 and destroyed its demarcation with bulldozers, allegedly with the aim to gain land titles in the developing Free Zone area. This case illustrates how major commercial housing projects, the Free Zone and the Port of Aden projects involving some of the major economic powers in Yemen, such as Hamid al-Ahmar and Rashid Hail Saeed, including former President Saleh and General Ali Mohsen al-Ahmar, can unleash power struggles that involve criminal behaviour.

165. The Panel was provided documents illustrating how former President Saleh distributed formerly public land to his family members and political allies after the unification of Yemen in 1990. Under Law No. 21 (1995), the President of the Republic has the power to distribute land titles that are in possession of the State. Former President Saleh repeatedly used this law to strengthen his alliances in the south and considerably multiply the wealth of his family. The former landowners now present some of these cases to the Land Commission. According to interlocutors presenting this case to the Panel, alliances with the former regime still function and prevent this and similar cases from being resolved.

[92] Established by Presidential Decree No. 2 (2013) pursuant to the Cooperation Council for the Arab States of the Gulf initiative and its implementation mechanisms and on the basis of NDC.

[93] According to the United Nations Development Programme, the Commission has to date dealt with 30,000 cases.

[94] Established by Presidential Decree No. 253 (2013) on the basis of the NDC outcomes.

[95] Name on file with the Panel.

J. Other human rights violations used as a means to obstruct the transition process

166. The assassination of political figures, threats and other attacks against Government officials are a common means of blocking the implementation of the GCC agreement and its implementation framework, or the NDC outcomes. In particular, former President Saleh and his GPC allies[96] were accused by several of the Panel's interlocutors of using violent means to achieve their political goals and preserve their interests. Thereby the media affiliated with them often play an important role in this. The following cases demonstrate some of these actions.

167. On the last day of the NDC in January 2014, a Houthi delegate, Ahmad Sharafeddin, was killed by gunshot in the streets of Sana'a. According to the Panel's interlocutors, Ahmad Sharafeddin was a religious man who advocated for a secular State during the NDC. He was also described as a person with a potential for a meaningful political career ahead of him. The Panel consulted with the responsible Government authorities on the status of the investigation into his assassination and was informed that the file was still in the investigative phase and hence with the Ministry of the Interior. The interlocutor added that although this investigation was not unusually lengthy, given the complexity of the case, the authorities faced serious challenges in investigating similar crimes. The Panel also had the opportunity to meet with persons close to the deceased who complained that a struggle over the jurisdiction of the case had largely blocked the investigation and that the authorities showed little interest and capacity to investigate. After a shootout between members of the Al Ahmar family and members of a Houthi-allied popular committee in Sana'a on 25 November 2014, the head of the Al Ahmar family, Sadiq al-Ahmar, handed over to the military police three members of the family. The Houthis accuse the Al Ahmar clan of the killing of Sharefeddin and another Houthi political leader.

168. On 2 November 2014, unknown perpetrators killed Mohammed Abdul Malik al-Mutawakel in a drive-by shooting in Sana'a. Al Mutawakel was one of the founding members of GPC before he joined the opposition and became the Secretary-General of the Union of Popular Forces. He was actively involved in the negotiations of the September peace agreement between the Houthis and the Government. At the time of writing this report, the Panel had not received information of the status of investigations.

169. The Minister of Legal Affairs, a member of the Socialist Party, attempted to promote the controversial transitional justice law as his ministry's contribution to the implementation of the NDC outcomes. According to a confidential source, on 2 July 2014, during a Cabinet of Ministers session, the Minister of Higher Education, a GPC member, threatened the Minister of Legal Affairs, telling him "we can hurt you if you try to submit the Transitional Justice Law to the Parliament".[97] Allegedly also in relation to the above, on 5 July 2014, a group of around 70 militants besieged the Minister's house and the police ultimately had to repel the siege. The Socialist Party, in an official statement, blamed this incident on GPC and former President Saleh. Various media outlets affiliated with GPC and former President Saleh launched a media campaign against the minister claiming that the

[96] The GPC political party is internally divided into members that are loyal to Saleh and others that stand behind President Hadi and his government.

[97] Name on file with the Panel.

militants had besieged the house after some of the minister's guards had attempted to rape a woman in the neighbourhood. The Ministry of the Interior publicly denied the existence of such a case of attempted rape. Credible interlocutors blame former President Saleh and his allies within GPC of applying pressure and threatening the Minister of Justice. In a reply to a Panel letter of 21 July 2014, the Government confirmed that an incident in the neighbourhood of the Minister not directly linked to the Minister or his staff was later used by "a political party" to settle accounts.

170. The Minister for Human Rights and her family were repeatedly personally threatened, sometimes with messages through social media. Interlocutors informed about continuous efforts to incite others against her and the tactics used to shame her publicly. According to personal statements to the Panel, media owned by Saleh have repeatedly been the platform of attempts to defame her.[98]

171. Similarly, the members for the national commission of inquiry pursuant to Presidential Decree No. 140 of 22 September 2012 were never nominated. Thus, those responsible for the grave human rights violations during the uprising in 2011 live with full impunity. Interlocutors repeatedly complained to the Panel that the transfer of power as foreseen by the GCC agreement was poorly implemented, and that those loyal to Saleh continue to occupy important political positions and thwart any effort to shed light on past injustice.

172. Interlocutors also cited difficulties of the Ministry of Human Rights in passing important legislation, especially the laws related to transitional justice and forced disappearances. The release of all prisoners of conscience and the disclosure of information on forcefully disappeared persons from 2011 is an issue highlighted in the GCC agreement (para. 13 (d)). Accordingly, the Council of Minister's Decision No. 108 (2012) stipulated the release of all such individuals. The matter was entrusted to the Security Committee and the Ministry of Human Rights. The Minister of Human Rights wrote letters to the Ministry of the Interior, the Ministry of Defence, the Political and Security Organization, the National Security Bureau, the Republican Guard and the First Armoured Division requesting the release of unlawfully detained persons. All of these institutions reported back that there were no unlawfully detained or forcefully disappeared persons in their custody. Regardless, the Security Committee found several individuals unlawfully held in the prisons of the Political Security, National Security and Military Intelligence agencies.[99] Nevertheless, in August 2014, 17 cases still remained unresolved.[100] According to interlocutors' confidential testimony to the Panel, the level of cooperation by the Political Security Organizations on this issue was unsatisfactory. They voiced the suspicion that some of the members of the present Government had an interest to hide information on these cases. Furthermore, the Panel was told by several sources that mainly members of the old regime and GPC members close to former President Saleh used all available means to thwart efforts to advance the issue.

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[98] For example, an article intending to defame her by accusing her of supporting promiscuity and abolishing polygamy and other laws deriving from the Quran, www.almotamar.net/news/print.php?id=100551.

[99] Undated report of the Ministry of Human Rights on file with the Panel.

[100] Name on file with the Panel.

K. Case: Illegal detentions in connection with the "presidential palace mosque incident"

173. The Panel received information on the case of five men unlawfully detained for more than three years who were arrested in connection with the explosion at the presidential palace mosque during the Yemeni uprising in June 2011. Seven individuals were killed in the incident, and former President Ali Abdullah Saleh and some of his close GPC party colleagues were seriously injured. The five men in custody are among 32 people detained in connection with this case. All five remain in detention, despite a presidential order issued on May 2013 to release three of the five immediately. In interviews held in Sana'a Central Prison, the five men told OHCHR that while held in custody by the National Security they had been tortured.

174. On 26 August 2013, the Specialized Criminal Court, established in 1999 to handle crimes against national security, summoned the five remaining prisoners to a hearing, along with other suspects who had been released earlier. In total, 28 individuals were charged with being part of an armed gang intending to attack the President and other State officials, as well as military and other Government facilities. The first judge assigned to the case recused himself, citing pressure from media affiliated with Saleh that affected his independence in delivering an impartial judgement. In 2014, three court sessions were held to deal with procedural questions related to the case. Throughout the judicial proceedings, judges and defence lawyers complained about undue interference, including allegations of corruption and pressure by former President Saleh (party to the judicial process).[101]

V. Implementation and monitoring of targeted financial and travel-related sanctions

A. Targeted financial sanctions

175. Paragraph 11 of Security Council resolution 2140 (2014) provides for the implementation by Member States of financial sanctions against persons designated by the Committee in accordance with paragraph 19 of the same resolution. At the time of writing of this report, the Committee had designated three individuals on 7 November 2014 to be subject to the financial sanctions.

176. Since 7 November 2014, the Panel has conducted investigations into the whereabouts of assets held by or on behalf of the designated persons with a view to identifying any that may be subject to the asset freezing measures. In addition, it has been monitoring the implementation of the asset freeze measures under paragraph 11 of the resolution in a number of regional countries.

177. The Panel is aware that a report on Al Jazeera[102] on 18 December 2014 stated that the Government of Yemen had promised GPC that it would not implement the Security Council resolution that imposes sanctions on Saleh and two allied rebel commanders. This was later corroborated by personal contacts within the

[101] See www.moragboonpress.net/news1052.html and http://akhbaralyom.net/news_details.php?sid=70426.

[102] See www.aljazeera.com/news/middleeast/2014/12/yemen-new-cabinet-wins-parliament-approval-201412181516214066O7.html.

Government of Yemen. The Panel believes that this is an important issue that urgently needs to be addressed by the Government of Yemen.

178. The Panel has submitted letters to 20 countries[103] where open source or other information indicates that assets belonging to a designated person may be located. These letters request the relevant Government to (a) confirm to the Panel whether any such assets liable to the asset freeze measures have been brought to its attention by any third party, or as a result of its own investigations; and (b) explain the method by which the Government has implemented the assets freeze and travel ban measures (as required by the Security Council in paras. 11 and 15 of resolution 2140 (2014)). In some circumstances, more specific requests for information were included.

179. At the time of writing this report, no Member State had responded positively to this asset enquiry and letters of clarification had been submitted to China, Germany, Malaysia, Singapore and the United States.

180. To a significant extent, the Panel's attention was focused on particular issues relating to the collusion between the Houthis and Ali Abdullah Saleh in the takeover of Amran and Sana'a. These investigations subsequently resulted in the Panel submitting four statements of case for consideration by the Committee. The Panel continues to conduct investigations into two of these four persons in order to further strengthen those statements of case. On 7 November 2014, following a no objection procedure in response to a proposal of a Member State, the following three individuals were listed as designated persons:

(i) Abd Al-Khaliq Al-Huthi YEi.001;

(ii) Abdullah Yahya Al Hakim YEi.002;

(iii) Ali Abdullah Saleh YEi.003.

181. The Panel has thus far been unable to find any information concerning the possession or whereabouts of any assets belonging to either Abd Al-Khaliq Al-Huthi or Abdullah Yahya Al Hakim that may be subject to the asset freezing measures. Indeed, many interlocutors have informed the Panel that the sanctions measures, including the travel ban, are unlikely to have any effect on these two individuals, as they do not own any assets and they do not travel. Nevertheless, the Panel will continue its enquiries.

182. Ali Abdullah Saleh, on the other hand, is in a very different situation. Ali Abdullah Saleh was President of Yemen for 33 years, until 2012, and during that time he is alleged to have amassed assets between $32 billion and $60 billion, most of which are believed to have been transferred abroad under false names or the names of others holding the assets on his behalf. These assets are said to take the form of property, cash, shares, gold and other valuable commodities. At the time of writing this report, these assets were believed to be located in at least 20 countries. Former President Saleh has had many years to hide these assets, and in particular, nearly a year to believe that he may soon be subject to sanctions in the form of an asset freeze. Accordingly, he has had plenty of time and opportunity to circumvent

[103] Algeria, Bahrain, China, Djibouti, Ethiopia, France, Germany, Kuwait, Lebanon, Malaysia, Saudi Arabia, Singapore, Spain, Oman, Qatar, Switzerland, United Arab Emirates, United Kingdom, United States and Yemen.

measures to freeze assets, which makes it likely for him to operate through front companies and/or individuals acting on his behalf to conceal his interests.

183. The Panel has received information that Ali Abdullah Saleh has been a long-time associate of at least five prominent Yemeni businessmen who are believed to assist him in hiding his assets. The Panel's investigations into the connections with these individuals and others believed to be assisting the Saleh family to remove funds from banks in Yemen and deposit them overseas are continuing. The Panel is also conducting investigations into a number of private and publicly listed companies inside and outside Yemen, where it is believed that former President Saleh may be the beneficial owner of investments. The Panel has also received information from a confidential source that Ali Abdullah Saleh has a number of alternative identity passports that have been provided to him by another State. As this information may have a bearing on the identification and freezing of assets and enforcement of the travel ban, it is being further investigated to identify the nationality and names used.

184. Though the Government of Yemen informed the Panel that it is still gathering evidence on spoiler activities, it pointed out to the Panel that the individuals designated by the Committee continue to pose a threat to the peace, security and stability of Yemen.[104] Accordingly, their activities continue to be monitored by the Panel.

185. Former President Saleh is defined as a politically exposed person by FATF. A politically exposed person is an individual who is or has been entrusted with a prominent public function. Owing to their position and influence, it is recognized that many politically exposed persons are in positions that can potentially be abused for the purpose of committing money-laundering offences and related predicate offences, including theft, corruption and bribery, as well as conducting activity related to terrorist financing. This has been confirmed by analysis and case studies. To address these risks, FATF Recommendations 12 and 22 require countries to ensure that financial institutions and designated non-financial businesses and professions implement measures to prevent the misuse of the financial system and non-financial businesses and professions by politically exposed persons, and to detect such potential abuse if and when it occurs.

186. FATF first issued mandatory requirements covering foreign politically exposed persons, their family members and close associates in June 2003. In February 2012, in line with article 52 of the United Nations Convention against Corruption, FATF expanded the mandatory requirements to domestic politically exposed persons and politically exposed persons of international organizations. Article 52 of the Convention defines politically exposed persons as "individuals who are, or have been, entrusted with prominent public functions and their family members and close associates", and includes both domestic and foreign politically exposed persons.

187. FATF further provided the following definitions:[105]

- Foreign politically exposed persons are individuals who are or have been entrusted with prominent public functions by a foreign country, for example, Heads of State or of Governments, senior politicians, senior government,

[104] Letter dated 8 December 2014 (65/14) from the Government of Yemen to the Panel.

[105] Financial Action Task Force, "FATF Guidance: Politically Exposed Persons (Recommendations 12 and 22)" (Paris, June 2013); available at www.fatf-gafi.org/documents/guidance/.

judicial or military officials, senior executives of State-owned corporations and important political party officials. Once you are a politically exposed person, you remain a politically exposed person;

– Family members are individuals who are related to a politically exposed person, either directly (consanguinity) or through marriage or similar (civil) forms of partnership;

– Close associates are individuals who are closely connected to a politically exposed person, either socially or professionally.

188. In order to successfully identify assets belonging to Ali Abdullah Saleh, gathering information on beneficial ownership of suspected assets by Member States is of the utmost importance, along with details of the originators of relevant transactions. A document published by FATF in June 2013, entitled "FATF Guidance: Politically Exposed Persons (Recommendations 12 and 22)", was designed to assist financial institutions in undertaking the screening of new and existing account relationships in order to successfully identify politically exposed persons and sanctions targets. Although a direct name match may be encountered, those designated, like Mr. Saleh, may often seek to disguise their relationship with the customer while still retaining ultimate control over the underlying assets. Naming conventions and transliteration issues may further hinder successful identification. As a result, the identification of Mr. Saleh should take account of a range of relevant factors and ensure the deployment of sufficiently wide screening parameters.

189. The origin of the funds used to generate Ali Abdullah Saleh's wealth is believed to be partly from his corrupt practices as President of Yemen, particularly relating to gas and oil contracts where he reportedly asked for money in exchange for granting companies exclusive rights to prospect for gas and oil in Yemen.[106] It is also alleged that Ali Abdullah Saleh, his friends, his family and his associates stole money from the fuel subsidy programme, which uses up to 10 per cent of Yemen's gross domestic product, as well as other ventures involving abuse of power, extortion and embezzlement.[107] The result of these illegal activities for private gain is estimated to have amounted to nearly $2 billion a year over the last three decades.

190. According to a former Government minister, the Saleh regime used a variety of methods to spread corruption, loot public funds and further empower those already in power at the expense of the economic and social development of the Yemeni people. Many have argued that the country's spiralling debt and economic problems would be alleviated with a repatriation of these alleged stolen assets.

191. The Panel also sought to ascertain the adequacy of the existing legal systems and institutional frameworks to implement the financial and travel-related sanctions of the countries in the region it visited. In addition, the Panel attempted to ascertain whether any regional Member States had adopted an act automatically enabling United Nations Charter Chapter VII obligations, a general piece of legislation specifically designed to allow for the transposition of sanctions measures into the

[106] Yemen Looted Recovery Fund (AWAM); see Catherine Shakdam, "Yemen: Injustice anywhere is a threat to justice everywhere" (15 June 2014), available at www.eurasiareview.com/15062014-yemen-injustice-anywhere-threat-justice-everywhere-oped/.

[107] See Catherine Shakdam, "Following the Saleh money trail", Your Middle East (29 April 2013), available at www.yourmiddleeast.com/features/following-the-saleh-money-trail_12470.

domestic legal framework. Alternatively, the Panel was seeking to establish whether the individual States were relying on a case-by-case transposition of the United Nations resolutions, specifically resolution 2140 (2014), which leaves the legislator more flexibility on how exactly to implement the measures required. It was also felt necessary to try and gauge each individual State's capacity and political will to implement the measures required, as the success of the sanctions regime would be dependent upon compatible national legislation and enforcement.

192. These investigations were conducted specifically to identify legislation or other measures that would enable Member States to detect and eventually freeze without delay any assets owned or controlled by designated individuals under the sanctions measures. This was felt to be particularly important for the countries in the region of the Gulf, but also included those other Member States where assets are believed to be located.

193. A sample of responses received thus far also indicates that some Member States would benefit from being provided additional guidance about locating the assets of politically exposed persons, which could be hidden under false names, in the names of associates or in offshore companies to disguise the true beneficial ownership.

194. Member States should also take into account that gathering information on beneficial ownership is of the utmost importance, along with details of the originators of relevant transactions. The effective dissemination of such guidance and a regular update of the list of designated persons and entities are essential to meet United Nations requirements.

195. After the three designations made on 7 November 2014, the Panel followed up with letters requesting information on the location of assets of these individuals and the methods to be used for the implementation of the asset freeze. The Panel is aware that the Government of Yemen has thus far taken no action to implement the asset freeze against the assets of any designated individual.

196. All the States of the region have established procedures and/or legislation to identify and freeze assets relating to terrorism, particularly in accordance with the requirements of Security Council resolutions 1267 (1999) and 1373 (2001) and as recommended by FATF. This includes its subsidiary bodies, including MENAFATF, to which all the regional countries belong. One of the strengths of FATF lies in its peer review process for evaluating Member States with its 40 recommendations, and most States that are found to be non-compliant with any of the international standards have modified their policies in line with the recommendations. Despite assurances from Member States that they are compliant with the FATF standards and were able to do so, the Panel is yet to receive documentary evidence from any country of the region on necessary legal mechanisms to enforce non-terrorism-based Security Council resolutions.

197. Despite the fact that Security Council resolutions under Chapter VII are binding on all Member States, it is believed that because the FATF recommendations specifically focus on money-laundering, terrorism financing and the financing of the proliferation of weapons of mass destruction, some of the countries of the region may inadvertently be ignoring the enforcement of United Nations sanctions more broadly.

198. The Panel submitted a letter to the Government of Yemen asking for clarification on a number of issues, and seven of the questions posed related to financial matters in an attempt to obtain an up-to-date assessment of its sanctions implementation policy and practice. One of these referred to the fact that Yemen's Financial Intelligence Unit had stated in a 2012 report[108] that circulars had been submitted to the financial and non-financial sectors regarding the notification of a number of United Nations Security Council lists. These included the lists relating to Al-Qaida and the Taliban that are covered by the law implementing Security Council resolution 1267 (1999), and local lists established after the adoption of Security Council resolution 1373 (2001). The 2012 report included the fact that the Financial Intelligence Unit had also circulated the "Iranian List", the "Somali List" and the "Iraqi List".

199. The Panel was informed that article 17 of Law No. 17 of 2013 on combating money-laundering and the financing of terrorism constituted the legal basis and the legislative reference point for the Yemeni judiciary when freezing the assets of any person or entity designated on a local or Security Council list. An examination of this article does not support this assertion, as it merely states that the competent authorities in charge of combating terrorism shall "prepare lists of the names of persons and entities that commit or attempt to commit terrorist acts, or participate in or facilitate the commission of such acts under the laws in force and United Nations Security Council resolution 1373 (2001) and the resolutions subsequent thereto".

200. The conclusion drawn is that the Government of Yemen does not have any mechanism to freeze assets under resolution 2140 (2014). The Prosecutor General has the discretion to freeze assets when necessary under the Criminal Code; that is, when he receives a statement of a case, but it is at his discretion. The Government of Yemen has indicated that the Ministry of Foreign Affairs will be the responsible entity coordinating the efforts of a team composed of relevant Government entities to address issues related to sanctions. The Panel will continue working with this entity.

B. Travel ban

201. In no country of the region, including Yemen, has the Panel obtained any documentary evidence of any system in place to enforce a travel ban on a designated person, although many countries did assure the Panel that it was possible to do so.

202. On 4 December 2014, the International Criminal Police Organization and the Committee agreed on cooperation methods relating to the imposition of the travel ban on designated persons. The Panel is monitoring the implementation of the travel ban by Member States, particularly in the Gulf region, and will continue to follow this issue.

VI. Recommendations

203. The following recommendations represent the Panel's assessment of the issues and areas of focus that are required to support the political transition in Yemen.

[108] Financial Information Unit (FIU) Yemen, "Annual report 2012"; available at www.fiu.gov.ye/doc/Annual_Report_2012_en.pdf.

To the Security Council:

1. To remind the Government of Yemen of its international obligations under international law to implement sanctions measures imposed against individuals designated by the Committee; and to urge the Government of Yemen to publicly take expeditious and practical actions to freeze any assets within its jurisdiction belonging to individuals designated by the Committee.

2. To consider new measures to constrain and restrict the flow of arms to Yemen.

3. To urge the Government of Yemen to comply with international standards and procedures in ensuring the physical security of its weapons and ammunition, to prevent any further loss of military assets.

4. To consider requesting Yemen to institute voluntary notifications to the Security Council on arms import shipments.

5. To request Member States, particularly those neighbouring Yemen, to strengthen support to Yemen's efforts to control its territorial waters through enhanced cooperation, the provision of training, increased information sharing and the supply of relevant equipment.

6. To reiterate its calls to all parties to the conflict to comply with their obligations under international humanitarian law and human rights law, and in particular:

(i) To cease the military use of schools and hospitals;

(ii) To urge the Houthis to continue their dialogue with the United Nations in view of a swift finalization and implementation of an action plan to end and prevent the recruitment and use of children;

(iii) To call upon the Government of Yemen to continue the implementation of its action plan with the United Nations to end and prevent the recruitment and use of children.

7. To consider including language in any subsequent resolution on Yemen requesting all Member States to submit implementation reports on the legal basis that exists, and the practical measures that will be taken, to implement the sanctions imposed by resolution 2140 (2014).

8. To consider expanding the size of the Panel to include an additional expert on arms.

To the Government of Yemen:

9. To prioritize the passage of legislation regulating weapons ownership and markets.

10. To expedite the establishment of the National Commission of Inquiry on violations of human rights.

To the Committee:

11. To initiate interaction with the Special Representative of the Secretary-General for Children and Armed Conflict, including by arranging a briefing for Committee members.

12. To urge relevant Member States to provide assistance to the Panel in its investigations, including by responding to letters from the Panel in a timely manner.

13. To consider a visit to Yemen and the GCC countries in support of the implementation of the sanctions.

14. In cooperation with other Committees dealing with targeted financial sanctions measures, to provide guidance to and raise awareness among all Member States on asset tracing and freezing under the sanctions measures, and to encourage Member States lacking appropriate domestic legislation to implement relevant sanctions regimes and introduce such legislation as soon as possible.

Annex I

Guidelines of Work of the Panel of Experts on Yemen dated 30 June 2014

The Panel of Experts implements its mandate as outlined in Security Council resolution 2140 (2014) on the basis of the following guidelines:[a]

1. The work of the Panel of Experts is guided by the principles of transparency, impartiality and independence.

2. The Panel of Experts takes all its decisions by consensus, including those on the content of its reports and recommendations made to the sanctions committee.

3. The work of the Panel of Experts is further guided by the principle of "do no harm", which includes measures to protect its sources of information where a person's individual safety is in danger due to the nature of the information disclosed to the Panel of Experts.

4. All individuals and entities offering information to the Panel of Experts are duly informed of the Panel's mandate pursuant to Security Council resolution 2140 (2014) in order for them to make an informed decision on the modalities of their cooperation with the Panel of Experts.

5. The identity of the source and the information provided by them remains confidential to the Panel of Experts and will only be disclosed to third parties with permission.

6. The Panel of Experts ensures that all citations and facts in its reports are subject to multiple corroboration, and sources are verified and credible.

7. The parties (States, entities and individuals) suspected of engaging in or providing support for acts that threaten the peace, security or stability of Yemen, as defined in Security Council resolution 2140 (2014), are granted a right to reply within an established deadline.

8. Timely rebuttals will be thoroughly examined and, where the Panel of Experts deems appropriate, included in the report with an assessment of their credibility.

The Guidelines were transmitted to the Security Council Committee established pursuant to resolution 2140 (2014). The Guidelines were further shared with the Government of Yemen, as well as other interested parties upon their request.

[a] The Guidelines are partly based on the report of the Informal Working Group of the Security Council on General Issues of Sanctions (see S/2006/997).

Annex II

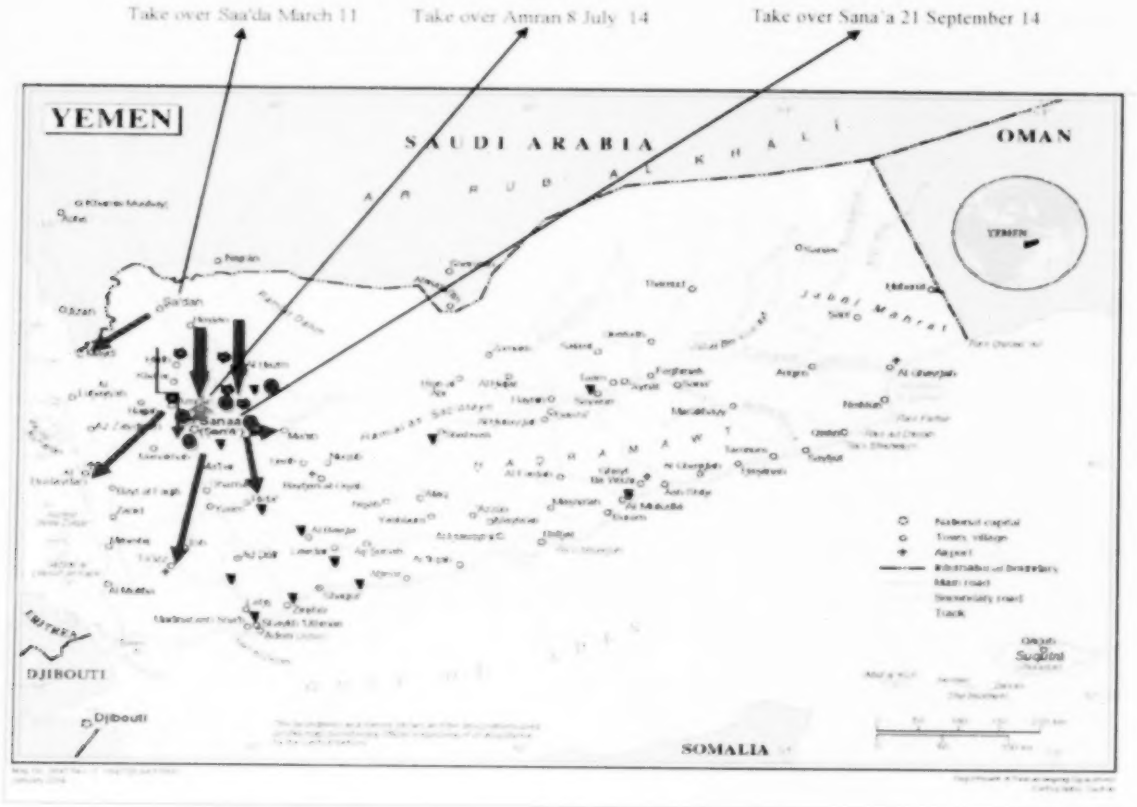
Summary of communications sent by the Panel of Experts under the current mandate

Date	*Addressee*
2014	
28 May	Yemen
5 June	Saudi Arabia
5 June	Russian Federation
5 June	Australia
5 June	Republic of Korea
5 June	Qatar
5 June	Bahrain
5 June	United Arab Emirates
5 June	Oman
5 June	Kuwait
5 June	Jordan
5 June	Iran (Islamic Republic of)
5 June	Turkey
9 June	Egypt
30 June	Yemen
2 July	Saudi Arabia
3 July	Yemen
10 July	Yemen
21 July	Yemen
22 July	Bahrain
22 July	Qatar
22 July	Oman
22 July	United Arab Emirates
22 July	Kuwait
22 July	Saudi Arabia
5 September	United Arab Emirates
8 September	Kuwait
23 September	Oman
9 October	Saudi Arabia
13 October	Yemen
10 November	Turkey
13 November	Yemen
17 November	Kuwait
17 November	Algeria
17 November	Djibouti
17 November	Ethiopia
17 November	Germany
17 November	Saudi Arabia
17 November	Lebanon
17 November	Oman
17 November	Singapore
17 November	Spain
17 November	Switzerland
17 November	United Arab Emirates
17 November	Yemen
17 November	Bahrain
17 November	France
17 November	Kuwait
17 November	Malaysia
17 November	Qatar
17 November	United Kingdom

Date	*Addressee*
17 November	United States
17 November	United Arab Emirates
17 November	Qatar
19 November	China
2 December	Bahrain
2 December	United Arab Emirates
2 December	Switzerland
2 December	United Kingdom
3 December	Lebanon
4 December	Germany
9 December	World Bank
31 December	Switzerland
2015	
6 January	United States
6 January	China
6 January	Germany
6 January	Malaysia
6 January	Singapore

Annex III

Map of military activities in Amran, Sana'a and southern and western governorates



United Nations S/2015/126*

Security Council

Distr.: General
24 February 2015

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling its resolutions 2014 (2011), 2051 (2012), 2140 (2014), 2201 (2015) and the statements of its President dated 15 February 2013 (S/PRST/2013/3) and 29 August 2014 (S/PRST/2014/18) concerning Yemen,

Reaffirming its strong commitment to the unity, sovereignty, independence and territorial integrity of Yemen,

Expressing concern at the ongoing political, security, economic and humanitarian challenges in Yemen, including the ongoing violence, and threats arising from the illicit transfer, destabilizing accumulation and misuse of weapons,

Reiterating its call for all parties in Yemen to adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, and refrain from provocation,

Expressing its support for and commitment to the work of the Special Adviser to the Secretary-General on Yemen, Jamal Benomar, in support of the Yemeni transition process,

Recalling the listing of Al-Qaida in the Arabian Peninsula (AQAP) and associated individuals on the Al-Qaida sanctions list established by the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and *stressing* in this regard the need for robust implementation of the measures in paragraph 1 of resolution 2161 (2014) as a significant tool in combating terrorist activity in Yemen,

Noting the critical importance of effective implementation of the sanctions regime imposed pursuant to resolution 2140 (2014), including the key role that Member States from the region can play in this regard and encouraging efforts to further enhance cooperation,

Determining that the situation in Yemen continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the need for the full and timely implementation of the political transition following the comprehensive National Dialogue Conference, in line with

* Reissued for technical reasons on 3 March 2015.

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the Gulf Cooperation Council Initiative and Implementation Mechanism, the Peace and National Partnership Agreement and in accordance with resolution 2014 (2011), 2051 (2012), and 2140 (2014) and with regard to the expectations of the Yemeni people;

2. *Decides* to renew until 26 February 2016 the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014), and *reaffirms* the provisions of paragraphs 12, 13, 14 and 16 of resolution 2140 (2014);

Designation Criteria

3. *Reaffirms* that the provisions of paragraphs 11 and 15 of resolution 2140 (2014) shall apply to individuals or entities designated by the Committee established pursuant to paragraph 19 of resolution 2140 (2014) ("the Committee") as engaging in or providing support for acts that threaten the peace, security or stability of Yemen;

Reporting

4. *Decides* to extend until 25 March 2016 the mandate of the Panel of Experts as set out in paragraph 21 of resolution 2140 (2014), *expresses its intention* to review the mandate and take appropriate action regarding the further extension no later than 25 February 2016, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Panel of Experts, in consultation with the Committee, for a period of 13 months from the date of this resolution, drawing, as appropriate, on the expertise of the members of the Panel established pursuant to resolution 2140 (2014);

5. *Requests* the Panel of Experts to provide a midterm update to the Committee no later than 24 September 2015, and a final report no later than 24 January 2016 to the Security Council, after discussion with the Committee;

6. *Directs* the Panel to cooperate with other relevant expert groups established by the Security Council to support the work of its Sanctions Committees, in particular the Analytical Support and Sanctions Monitoring Team established by resolution 1526 (2004) and extended by resolution 2161 (2014);

7. *Urges* all parties and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts and further urges all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites, in order for the Panel of Experts to execute its mandate;

8. *Emphasizes* the importance of holding consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

9. *Calls* upon all Member States to report to the Committee within 90 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the measures imposed by paragraphs 11 and 15 of resolution 2140 (2014);

10. *Reaffirms* its intention to keep the situation in Yemen under continuous review and its readiness to review the appropriateness of the measures contained in

this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of developments;

United Nations involvement

11. *Requests* the Secretary-General to continue his good offices role, notes with appreciation the work of his Special Adviser, Jamal Benomar, and *stresses* the importance of the United Nations' close coordination with international partners, including the Gulf Cooperation Council, Group of Ambassadors in Sana'a, and other actors, in order to contribute to the successful transition;

12. *Further requests* the Secretary-General to continue to coordinate assistance from the international community in support of the transition, and to propose options for strengthening the office of the Special Adviser to enable him to fulfil his mandate, including on United Nations assistance for finalizing and adopting the draft constitution, undertaking electoral reform, holding general elections, and creating mechanisms for disarmament, demobilization and reintegration as well as security sector reform;

13. *Decides* to remain actively seized of the matter.

United Nations S/2015/127

Security Council

Distr.: General
23 February 2015

Original: English

Identical letters dated 22 February 2015 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon the instructions of my Government, I would like to inform you of the following.

Facing an imminent threat from the terrorist organization Deash, the Turkish armed forces conducted a military operation for the relocation of the Süleyman Şah Memorial Outpost, a 10-acre area of land of Turkish territory inside Syria.

During the operation, which started on 21 February 2015 at 1900 hours and ended on 22 February 2015 at 0400 hours, the Süleyman Şah Memorial Outpost was temporarily relocated to Eshme within Syria, adjacent to the Turkish-Syrian border without prejudice to its legal status and will be redeployed to its original location following a political solution to the Syrian crisis.

As mentioned in my letter dated 31 March 2014 and numbered 2014/14136816-TURKUNO DT/4474978, Turkish sovereignty over the enclave was established by the Treaty of Ankara, signed between Turkey and France on 20 October 1921. The Treaty was later reconfirmed by the signatories on 29 May 1937, by the Border Protocol signed between Turkey and Syria on 5 August 1956, by the exchange of letters between Turkey and Syria on 17 December 1973 and by various project documents related to the maintenance of the Süleyman Şah Memorial Outpost over the years. The Syrian regime committed itself to this acquis on various occasions, most recently through its note verbale of 29 September 2012.

Turkey respects the territorial integrity of Syria and is committed to protect its rights and interests emanating from international law and to exercise its right of self-defence stipulated in Article 51 of the Charter of the United Nations.

I would be grateful if the present letter could be urgently brought to the attention of the members of the Security Council and circulated as a document of the Council.

(*Signed*) Y. Halit **Çevik**
Permanent Representative

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